

Application reference: 23/1495/GPD26 TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
31.05.2023	31.05.2023	26.07.2023	26.07.2023

Site:

25 Church Road, Teddington, TW11 8PF,

Proposal:

Prior approval for change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to form 3 dwellings.

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

APPLICANT NAME

Seventy Four Prop Co

AGENT NAME

Mr Mark Shearman, First Plan
Broadwall House
21 Broadwall
London
SE1 9PL

DC Site Notice: printed on 02.06.2023 and posted on 09.06.2023 and due to expire on 30.06.2023

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

LBRuT Non-Commercial Environmental Health Noise Issues
LBRUT Transport
LBRUT Environmental Health Contaminated Land

Expiry Date

16.06.2023
16.06.2023
16.06.2023

Neighbours:

40 Church Road, Teddington, TW11 8PB, - 02.06.2023
42 Church Road, Teddington, TW11 8PB, - 02.06.2023
32C Church Road, Teddington, TW11 8PB, - 02.06.2023
36A Church Road, Teddington, TW11 8PB, - 02.06.2023
32A Church Road, Teddington, TW11 8PB, - 02.06.2023
36 Church Road, Teddington, TW11 8PB, - 02.06.2023
38 Church Road, Teddington, TW11 8PB, - 02.06.2023
34 Church Road, Teddington, TW11 8PB, - 02.06.2023
32 Church Road, Teddington, TW11 8PB, - 02.06.2023
1 Walpole Road, Teddington, TW11 8PJ, - 02.06.2023
4 Walpole Crescent, Teddington, TW11 8PH, - 02.06.2023
Part First Floor And Second Floor And Third Floor, 25 Church Road, Teddington, TW11 8PF, - 02.06.2023
27 Church Road, Teddington, TW11 8PF, - 02.06.2023
First Floor Flat, 27 Church Road, Teddington, TW11 8PF, - 02.06.2023
31 Church Road, Teddington, TW11 8PF, - 02.06.2023
23 Church Road, Teddington, TW11 8PF, - 02.06.2023
21 Church Road, Teddington, TW11 8PF, - 02.06.2023

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

Status: REF

Date:23/06/1982

Application:81/1402

Continuation of use of first and second floors as offices and use of third floor for ancillary storage.

Development Management

Status: GTD

Date:12/07/1983

Application:83/0661

Use of second floor plus attic for office purposes.

Development Management

Status: GTD

Date:25/01/1951

Application:47/2174

An extension of time limit for retention of covered yard.

Development Management

Status: GTD

Date:21/04/1954

Application:47/4866

Retention of covered yard.

Development Management

Status: GTD

Date:25/06/1964

Application:64/0590

Retention of covered yard.

Development Management

Status: GTD

Date:05/07/1967

Application:67/0672

Retention of covered yard.

Development Management

Status: WDN

Date:21/10/2005

Application:05/2240/FUL

Part demolition of existing building with alterations and extensions to provide 7 dwellings units and also office space to ground, first and second floors

Development Management

Status: WNA

Date:09/01/2008

Application:06/0745/FUL

Part demolition of existing building with alterations and extensions to provide 5 flats and workspaces (B1)

Development Management

Status: AAPR

Date:11/12/2017

Application:17/3795/GPD15

Change of use from Offices (B1) to Residential (C3).

Development Management

Status: AAPR

Date:05/02/2018

Application: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).

Development Management

Status: WDN

Date:21/06/2021

Application: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

Development Management

Status: GTD

Date:03/01/2023

Application:22/3070/FUL

External alterations including new shopfront doors and insertion of rooflights.

Development Management

Status: GTD

Date:04/01/2023

Application: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.

Development Management

Status: GTD

Date:27/02/2023

Application:22/3200/NMA

Non-material amendment to planning permission 22/3200/FUL to allow for alterations to fenestration and layout of premises.

Development Management

Status: ARPR
Date:19/06/2023

Application:23/1422/GPD26
Prior approval for change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to form 5 dwellings.

Development Management

Status: PCO
Date:

Application:23/1495/GPD26
Prior approval for change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to form 3 dwellings.

Development Management

Status: PCO
Date:

Application:23/1863/GPD26
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 form 4 dwellings.

Development Management

Status: PCO
Date:

Application:23/1865/GPD26
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 form 1 dwelling.

Building Control

Deposit Date: 05.04.2010 Installed a Gas Boiler
Reference: 10/FEN01806/GASAFE

Building Control

Deposit Date: 28.02.2022 Install a gas-fired boiler
Reference: 22/FEN00901/GASAFE

Building Control

Deposit Date: 20.01.2023 External alterations including replacement windows and doors, new shopfront doors, replacement roofs, insertion of rooflights and new connecting walkway between front and rear buildings

Reference: 23/0102/IN

Enforcement

Opened Date: 26.06.2023 Enforcement Enquiry
Reference: 23/0288/EN/UBW

Application Number: 23/1495/GPD26
Address: 25 Church Road, Teddington, TW11 8PF

Proposal

Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to form 3 dwellings.

Site Description

The application property is the rear two-storey pitched roof property at No. 25 Church Road, Teddington Village, Teddington Ward (No. 25 also presents a tree-storey pitched roof street facing/front element that is connected to the application property via a walkway at first-floor level).

No. 25 is located the Conservation Area CA85 Church Road, and the following constraints apply:

- Area Susceptible to Groundwater Flood - Environment Agency (Superficial Deposits Flooding - $\geq 75\%$).
- Flood Zone 1.
- Critical Drainage Area - Environment Agency (Teddington [Richmond]).
- Increased Potential Elevated Groundwater (GLA Drain London).
- Surface Water Flooding (Area Susceptible to) - Environment Agency.
- Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
- Land Use Past Industrial (rubber & plastic products manufacturer Start: 1993 End: 2004).

Relevant Planning History

The following application would establish the current use of the premises, namely use class E, and this is understood not to be implemented.

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 05/02/2018.

The following applications are related to approved alterations to the premises, which would appear to be currently in progress.

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 04/01/2023.

22/3200/NMA - Non-material amendment to planning permission 22/3200/FUL to allow for alterations to fenestration and layout of premises - Granted 27/02/2023.

Representations

None received.

Consultees

LBRUT Transport - Subject to conditions securing details of the cycle and bin store, as well as a S106 unilateral undertaking, there are no objections (these will be further discussed in the main body of this report).

LBRUT Environmental Health Contaminated Land - Subject to a condition related to contaminated-land, there are no objections (these will be further discussed in the main body of this report).

LBRUT Non-Commercial Environmental Health - no objections in principle to this application (this will be further discussed in the main body of this report).

Amendments

The application has been advised to remove alterations to the external fabric of the building, including fenestration, as these alterations are not covered by this GDPO change of use application.

The above has been taken on board and the proposal has been amended accordingly.

Notes in relation to MA.2 - Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course. The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.

The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement at this stage; all other aspects and requirements of these policies will apply.

In this regard, the following Policies are considered Material Planning Considerations in this instance:

- *Policy 48 Vehicular Parking Standards, Cycle Parking, Servicing and Construction Logistics Management and Policy 7 Waste and the Circular Economy (2a)*
- *Policy 53 Local Environmental Impacts (2b)*
- *Policy 8 Flood Risk and Sustainable Drainage (2c)*
- *Policy 29 Designated Heritage Assets (2e)*
- *Policy 46 Amenity and Living Conditions (2f)*

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 requirements for prior approval to be granted under Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’, this is because:

MA.1.(1) Development is not permitted by Class MA—	Officer’s Comment:
(a) 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>Complies.</p> <p>The Case Officer visited the application property the 17th of July 2023, and this was vacant. In addition, works in relation to the applications reference: 22/3200/FUL and 22/3200/NMA would appear to be currently in progress at the time of the visit.</p> <p>During the site visit it has been appreciated that the building has been vacant for sometimes. The received Statutory Declaration and Business Rates Bills would confirm that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of this application for prior approval.</p>
(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>Complies.</p> <p>See the above relevant planning history, namely application reference: 17/4422/GPD15.</p>
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	<p>Complies.</p>
(d) 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	<p>Complies.</p>

<p>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;</p>	
<p>(e) if the building is within-</p> <ul style="list-style-type: none"> (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; 	Complies.
<p>(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or</p>	N/A.
<p>(g) before 1 August 2022, if—</p> <ul style="list-style-type: none"> (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. 	Complies.
<p>(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—</p> <p>(a) the following classes of the Schedule as it had effect before 1st September 2020—</p> <ul style="list-style-type: none"> (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; 	Complies (See ‘Use Class E’ section below).
<p>(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	Complies (see ‘Use Class E’ section of this report below).

Use Class E

The Use Class Order has been updated via *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020*. It is considered that the site falls within Use Class E, given Use Class B1, established under the application reference: 17/4422/GPD15, is now part of Use Class E.

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:

2a Transport impacts of the development, particularly to ensure safe site access

Policy LP 45 of the Local Plan (2018) requires new schemes to provide cycle facilities and an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. The policy also sets out that car free housing developments may be appropriate in locations with high public transport accessibility, such as areas with a PTAL of 5 or 6. Car free developments also need to show “*b. appropriate servicing arrangements; and c. demonstrate that proper controls can be put in place to ensure that the proposal will not contribute to on-street parking stress in the locality*”. Furthermore, all proposals for car free housing should be supported by the submission of a Travel Plan.

Policy LP 24 of the Local Plan (2018) requires suitable and sufficient storage be provided on-site for refuse and recycling bins.

The application property is in the Controlled Parking Zone (CPZ): T3 – Teddington - Times: Monday to Friday 10am to noon (Bank and Public Holidays free).

The proposal would be a car free development within a site that has PTAL score of 3. A unilateral undertaking, S106 agreement, preventing occupiers of the properties from obtaining parking permits is considered to be an effective measure to overcome transport concerns. This will be required via a planning condition.

Further details of the cycle spaces and details of the bin stores will also be required via planning conditions.

2b Contamination risks in relation to the building

Policy LP 10 of the Local Plan (2018) states that “*the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land. These potential impacts can include, but are not limited to, air pollution, noise and vibration, light pollution, odours and fumes, solar glare and solar dazzle as well as land contamination*”.

The below planning condition would ensure that the proposed scheme would comply with Policy LP 10.

a) *No development shall occur until:*

i) a preliminary risk-assessment shall be submitted to and approved in writing by the local planning authority.

ii) a site-investigation has been conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

iii) a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.

b) *Prior to first occupation:*

The remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

2c Flooding risks to the building

Policy LP 21 of the Local Plan (2018) 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.

2d Impacts of noise from commercial premises on the intended occupiers of the development

The area surrounding the application site is mixed-use in character but presents a predominance of residential properties. As such, adverse impacts in terms of noise are not anticipated.

2e 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 application property's ground floor would not be appreciated from the street scene and therefore the change of use of its ground floor would have a minimal impact on the character or sustainability of the conservation area.

2f the provision of adequate natural light in all habitable rooms of the dwellinghouses

Policy LP 8 of the Local Plan (2018) requires all development to *"protect the amenity and living conditions for the occupants of new, existing, adjoining and neighbouring properties"*. The policy also seeks to *"ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure"*.

The proposal is considered to provide adequate natural light in all habitable rooms proposed under this application. This is also confirmed by the submitted *Internal Daylight Assessment reference: 4828.2 received the 1st of June 2023*.

2g 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.

2h 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 2006

Not relevant.

Conclusion

The scheme submitted under this prior approval would 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).

Recommendation

Approve subject to conditions and informatives.

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): GAP

Dated: 21/07/2023

I agree the recommendation:

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

Dated: 24/07/2023

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

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SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES
