



Application reference: 24/0264/GPD26
HEATHFIELD WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 31.01.2024 | 31.01.2024 | 27.03.2024 | 27.03.2024 |

Site:

137 Percy Road, Twickenham, TW2 6HU,

Proposal:

Change of use of part of the ground floor from commercial (use class E) to a single residential dwelling (use class C3).

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

APPLICANT NAME

Mr Jagjit Nanda
 40 Shelley Crescent
 Hounslow
 TW5 9BJ

AGENT NAME

Mr Amar Sidhu
 Suite 1, First Floor Aquasulis
 10-14 Bath Road
 Slough
 SL1 3SA

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

Consultations:

Internal/External:

Consultee

LBRUT Transport
 LBRuT Non-Commercial Environmental Health Noise Issues

Expiry Date

19.02.2024
 19.02.2024

Neighbours:

- 142 Percy Road, Twickenham, TW2 6JG, - 05.02.2024
- 1 Montrose Avenue, Twickenham, TW2 6HA, - 05.02.2024
- Ground Floor, 2 Montrose Avenue, Twickenham, TW2 6HB, - 05.02.2024
- 2 Montrose Avenue, Twickenham, TW2 6HB, - 05.02.2024
- 2 Jubilee Avenue, Twickenham, TW2 6JB, - 05.02.2024
- 139 - 141 Percy Road, Twickenham, TW2 6JE, - 05.02.2024
- 135A Percy Road, Twickenham, TW2 6HT - 05.02.2024
- 1D Jubilee Avenue, Twickenham, TW2 6JA - 05.02.2024
- 1C Jubilee Avenue, Twickenham, TW2 6JA - 05.02.2024
- 1B Jubilee Avenue, Twickenham, TW2 6JA - 05.02.2024
- 1A Jubilee Avenue, Twickenham, TW2 6JA - 05.02.2024
- 135 Percy Road, Twickenham, TW2 6HT, - 05.02.2024
- 137A Percy Road, Twickenham, TW2 6HT, - 05.02.2024
- 1 Jubilee Avenue, Twickenham, TW2 6JA, - 05.02.2024

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

Development Management

| | |
|--|--|
| Status: GTD Date:01/05/2003 | Application:03/1148 Erection Of New Signage |
| <u>Development Management</u> Status: WNA Date:13/08/2003 | Application:03/1899/FUL New Disabled Entrance Ramp And Steps Into Entrance Of Building |
| <u>Development Management</u> Status: GTD Date:10/10/2003 | Application:03/2610/FUL New Disabled Entrance Ramp And Step Into Branch |
| <u>Development Management</u> Status: GTD Date:06/06/1995 | Application:95/1429/ADV Provision Of Internally Illuminated Fascia And Projecting Sign |
| <u>Development Management</u> Status: GTD Date:30/10/1997 | Application:97/2105 Installation Of Automatic Teller Machine Into Shopfront. |
| <u>Development Management</u> Status: GTD Date:30/10/1997 | Application:97/2106 Internally Illuminated Automatic Teller Machine Signage. |
| <u>Development Management</u> Status: GTD Date:28/01/1981 | Application:80/1361/ADV For Advertisements. |
| <u>Development Management</u> Status: GTD Date:29/08/1986 | Application:86/1043/ADV One fascia sign and one double sided projecting sign. |
| <u>Development Management</u> Status: GTD Date:13/04/1988 | Application:87/1158/DD02 Single storey rear extension (Details pursuant to condition 5). |
| <u>Development Management</u> Status: GTD Date:22/02/1988 | Application:87/1158/DD01 Single storey rear extension. (Details pursuant to condition 5). |
| <u>Development Management</u> Status: GTD Date:05/08/1987 | Application:87/1158 Single storey rear extension. |
| <u>Development Management</u> Status: GTD Date:21/06/1957 | Application:47/8206 Use of ground floor as solicitors office. |
| <u>Development Management</u> Status: GTD Date:10/03/1949 | Application:47/0471 The erection of a W.C. and lavatory for use of male staff. |
| <u>Development Management</u> Status: GTD Date:01/05/2013 | Application:13/0765/ADV Erection of various signage incorporating 2 No.externally illuminated fascia signs, 1 No. externally illuminated projecting sign, 1 No.external ATM header and non-illuminated internal marketing poster units (amended). |
| <u>Development Management</u> Status: PCO Date: | Application:24/0264/GPD26 Change of use of part of the ground floor from commercial (use class E) to a single residential dwelling (use class C3). |
| <u>Building Control</u> Deposit Date: 09.06.2003 Reference: 03/1125/AI | Internal refurbishment. |
| <u>Enforcement</u> Opened Date: 31.01.2006 Reference: 06/0050/EN/UCU | Enforcement Enquiry |
| <u>Enforcement</u> Opened Date: 26.02.2024 Reference: 24/0101/EN/UBW | Enforcement Enquiry |

Application Number: 24/0264/GPD26
Address: 137 Percy Road, Twickenham, TW2 6HU

Proposal

Change of use of part of the ground floor from commercial (use class E) to a single residential dwelling (use class C3). The proposal is understood to be a car-free development.

Site Description

The application property is the ground floor rear extension to a former bank premises, The Halifax, which is now closed. It is within Whitton's Main Centre Boundary. Its upper floors host a residential maisonette. The locality is of a mixed-use character with dwellings and commercial properties, the latter being mainly set at ground floor.

The application site has a PTAL rating of 2, where a score of 0 is very poor access to public transport, and 6b is excellent.

The application site is in a Controlled Parking Zone (CPZ): WS - Whitton South - Times: Monday to Friday 10:00 to 2:00pm; Event days 11:00am to 11:00pm.

The application property is neither locally or nationally listed nor located in a conservation area.

The application site is located in an Area Susceptible to Groundwater Flood. This application site is situated at the junction of Percy Road and Jubilee Avenue - both classified roads - in Whitton and Heathfield Village, Heathfield Ward.

There is no restricting Article 4 Direction in relation to the proposed conversion under Permitted Development Rights.

Relevant Planning History

Enforcement Enquiry Reference: 24/0101/EN/UBW - Prior approval works started.

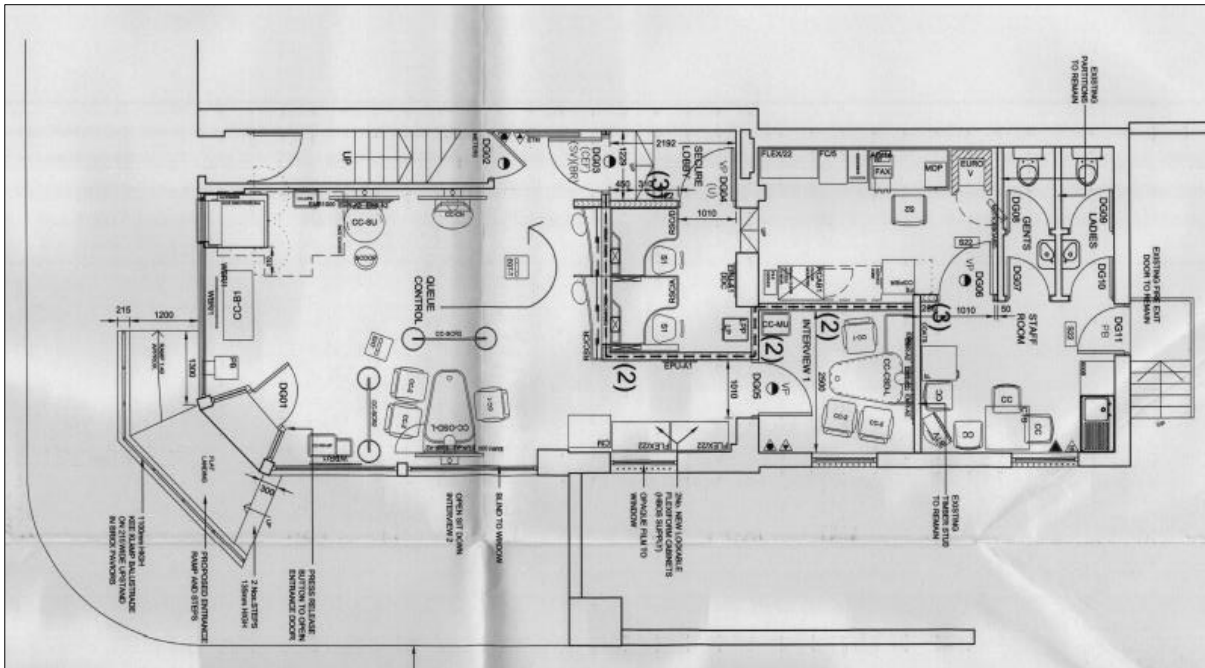
This has been confirmed not to be the case following a site visit by an Enforcement Officer, Mr Alfie Peachey, undertaken on 13th March 2024.

Development Management

03/2610/FUL - New Disabled Entrance Ramp and Step - **Granted 10/10/2003**.

The ground floor plan submitted with this approval shows the ground floor rear extension, approved under the application reference: **87/1158**, to be in use by Halifax (see below capture). Halifax is considered a Financial Service under Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Google Street View shows that the application property was occupied by Halifax from 2008 to 2020.



Ground Floor Plan

87/1158 - Single storey rear extension - **Granted 05/08/1987.**

47/8206 - Use of ground floor as solicitors office - **Granted 21/06/1957.**

Representations

No. 1 Montrose Avenue objects to the proposal for the following reason:

- Kerbside parking.

LBRUT Transport - Objects to the proposal (comments summarized in the main body of this report).

LBRUT Environmental Health Contaminated Land - Does not object to the proposal (comments summarized in the main body of this report).

Amendments

None requested or received

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

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. 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 Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This will be addressed in more detail in the assessment below if/where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; 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 | Complies – evidenced in a Witness Statement dated 19/02/2024. |
| (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. | Complies. See Relevant Planning History’s section of this report. |

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| (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres; | Complies. |
| (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 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. |
| (e) 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; | Complies. |
| (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 | N/A. |
| (g) 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. | Not Applicable. |
| (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order— (a) 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; | Complies. See Relevant Planning History's section of this report. |
| (b) on or after 1st September 2020, Class E | Complies. |

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| (commercial, business and service) of Schedule 2. | See Relevant Planning History's section of this report. |
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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 site is in a Controlled Parking Zone (CPZ): WS - Whitton South - Times: Monday to Friday 10:00 to 2:00pm; Event days 11:00am to 11:00pm (Bank and Public holidays free).

The proposal would be a car free development. The application site is within an area with a PTAL score of 2. A unilateral undertaking, S106 agreement, preventing the future occupier of the property from obtaining parking permit is considered to be an effective measure to overcome parking and highway safety concerns. This will be required via a planning condition - grampian.

Details of the cycle spaces, refuse and recycling facilities will 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 premises was in use by a financial service and therefore the conversion to residential would not raise significant concerns in relation to 2b, complying with Policy LP 10.

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 with dwellings and properties, the latter showing ground floors occupied by commercial units and upper floors occupied by residential units instead. Adverse impacts in terms of noise are not anticipated to the unit if suitably soundproofed as per condition.

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 site is not located a 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 via the existing southern facing windows.

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: 14/03/2024

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:25/03/2024.....

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
