

Application reference: 24/0335/PS192 TWICKENHAM RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
09.02.2024	13.02.2024	09.04.2024	09.04.2024

Site:

20 Heath Road, Twickenham, TW1 4BZ,

Proposal:

Change use of ground floor of property from Class E (a) retail, to Class E(f) nursery/baby unit.

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

APPLICANT NAME

Greenwood Childcare Twickenham
Ltd
c/o Innovate Planning Limited
Battlefield Road
AL1 4DD
United Kingdom

AGENT NAME

Mrs Ruth Beard
32
Battlefield Road
St Albans
AL1 4DD

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

87 Sherland Road, Twickenham, TW1 4HB -

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

Development Management

Status: WNA Application:94/2538/FUL
Date:24/11/1994 New Shopfront

Development Management

Status: REF Application:95/0143/FUL
Date:16/03/1995 Use Of Rear Ground Floor As Minicab Control Office

Development Management

Status: REF Application:95/0364/FUL
Date:21/04/1995 Erection Of Part Single Storey And Part Two Storey Rear Extension

Development Management

Status: GTD Application:95/1750/FUL
Date:24/07/1995 New Shopfront

Development Management

Status: GTD Application:95/1767/FUL
Date:17/07/1995 Erection Of Single Storey Rear Extension To Provide Additional Retail Floorspace For Existing Shop

Development Management

Status: REF Application:80/0300/ADV
Date:14/07/1980 For Advertisements.

Development Management

Status: GTD Application:47/2361

Date:30/04/1951	Alteration to shop front.
<u>Development Management</u>	
Status: GTD	Application:66/1751
Date:17/10/1966	Store building.
<u>Development Management</u>	
Status: GTD	Application:69/0071/ADV
Date:06/03/1969	For Advertisements.
<u>Development Management</u>	
Status: REF	Application:13/1828/FUL
Date:16/08/2013	Addition of a studio flat on top of existing flat roof at rear of shop.
<u>Development Management</u>	
Status: PCO	Application:24/0335/PS192
Date:	Change use of ground floor of property from Class E (a) retail, to Class E(f) nursery/baby unit.
<u>Development Management</u>	
Status: PCO	Application:24/0644/FUL
Date:	Alterations to existing shop front, including replacement of existing retractable awning and installation of wooden lockers. Alterations to rear elevation including installation of living wall on rear elevation and modular living fence. Installation of two storage sheds, protective balustrade and handrails to existing external stairs and replacement door.
<u>Development Management</u>	
Status: INV	Application:24/0730/ADV
Date:	1 x non illuminated fascia sign and 1 x internally illuminated projecting sign and writing to retractable awning.
<u>Building Control</u>	
Deposit Date: 02.08.1995	Single storey rear extension to retail premises
Reference: 95/0967/FP	
<u>Enforcement</u>	
Opened Date: 10.03.1995	Enforcement Enquiry
Reference: 95/00119/EN	
<u>Enforcement</u>	
Opened Date: 12.03.1997	Enforcement Enquiry
Reference: 97/00093/EN	

Application Number	24/0335/PS192
Address	20 Heath Road, Twickenham, TW1 4BZ
Proposal	Change use of ground floor of property from Class E (a) retail, to Class E(f) nursery/baby unit.
Contact Officer	Grace Edwards

1. Introduction

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The site is located on the northern side of Heath Road in Twickenham, backing on to Holly Road. The site consists of retail (Stationers) on the ground floor with residential properties located on the upper floors. The area is located within a Key Shopping Frontage and within Twickenham Town Centre Boundary. The surrounding area has a mainly commercial/mixed use character. The site is subject to the following designations:

- Article 4 Direction A1 to A2
- Article 4 Direction B1 to C3
- Article 4 Direction Class E to C3
- Critical Drainage Area
- Key Office Area
- Area at risk of surface water flooding
- Take Away Management Zone
- Throughflow Catchment Area
- Twickenham Area Action Plan

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The scheme seeks confirmation in the form of a lawful development certificate that the proposed nursery/baby unit falls within Class E as prescribed under The Town and Country Planning (Use Classes) Order 1987 (as amended) and planning permission is therefore not required for the change of use from retail. No operational development forms part of this application.

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

95/1767/FUL - Erection Of Single Storey Rear Extension To Provide Additional Retail Floorspace For Existing Shop (**GRANTED**)

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the use as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

Notwithstanding this, one letter of representation has been received commenting as follows:

- Dropping off via Holly Road is not a safe environment for young children

5. AMENDMENTS

None

6. EXPLANATION OF RECOMMENDATION

A covering letter has been provided on behalf of Ltd Greenwood Childcare stating that the existing use is retail (Class E) and the proposed use as a nursery also falls within this use.

Class E is defined as:

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

A day nursery would have formerly been classified as a D1 Use. However, as per the latest amendment to the Use Class Order, such a use is now defined within Class E, specifically E(f) as outlined above.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 states that:

7. For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as—

- (a) Class A1 (Shops),*
- (b) Class A2 (Financial and professional services),*
- (c) Class A3 (Restaurants and cafes), or*
- (d) Class B1 (Business),*

that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E (Commercial, business and service) in Schedule 2 to that Order.

The use of the commercial premises, as confirmed by the planning history, prior to 01 September 2020 was a Class A1 retail unit. As a result of the changes to the UCO, the lawful use of the property now falls within part (a) of Class E (Commercial, Business and Service).

Given such, a nursery/baby unit as described in the applicants supporting statement would be considered to fall under Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended) as of September 1st 2020. The proposed use of the premises does not result in a material change of use and planning permission is therefore not required.

7. RECOMMENDATION

Grant Certificate

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):GE.....

Dated:03/04/2024.....

I agree the recommendation:

This application has been subject to representations. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager:ND.....

Dated:03.04.2024.....