

## Application reference: 24/0846/GPD24 SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
28.03.2024	28.03.2024	23.05.2024	23.05.2024

**Site:**

91 Sheen Road, Richmond, TW9 1YJ,

**Proposal:**

Change of use from Class E (commercial, business and service) to Mixed Use Class E (commercial, business and service) and Class C3 (dwellinghouses) to provide 1x self-contained dwelling.

Amended as follows on 01.05.2024:

The proposal description has been amended and should now read as above.

**APPLICANT NAME**

3-7 Temple Avenue  
London  
EC4Y 0HP

**AGENT NAME**

**DC Site Notice:** printed on 01.05.2024 and posted on 10.05.2024 and due to expire on 31.05.2024

**Consultations:**

**Internal/External:**

**Consultee**

14D Urban D  
14D Urban D

**Expiry Date**

30.04.2024  
15.05.2024

**Neighbours:**

Flat 3,98 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 Flat 2,98 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 Flat 1,98 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 Flat 3,100 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 Flat 2,100 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 Flat 1,100 Sheen Road,Richmond,TW9 1UF, - 16.04.2024  
 35 Worples Way,Richmond,TW10 6DG, - 16.04.2024  
 39 Worples Way,Richmond,TW10 6DG, - 16.04.2024  
 Flat 3,Dunstable House,37 Worples Way,Richmond,TW10 6DG, - 16.04.2024  
 Flat 2,Dunstable House,37 Worples Way,Richmond,TW10 6DG, - 16.04.2024  
 Flat 1,Dunstable House,37 Worples Way,Richmond,TW10 6DG, - 16.04.2024  
 Car Parking Space And Premises,91 Sheen Road,Richmond,TW9 1YJ, - 01.05.2024  
 95 Sheen Road,Richmond,TW9 1YJ, - 01.05.2024

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

Development Management

Status: REF

Date:22/06/2017

Application:16/4902/FUL

Construction of a two storey, one bed dwelling-house along with associated cycle storage, car parking and landscaping.

Development Management

Status: GTD

Date:12/02/2019

Application:16/4902/DD01

Details pursuant to condition 3 (materials) of planning permission 16/4902/FUL.

Development Management

Status: GTD Date:29/01/2019	Application:16/4902/DD02 Details pursuant to condition 4 (doors and windows) and 5 (gutters downpipes and eaves) of appeal decision 16/4902/FUL.
<u>Development Management</u> Status: GTD Date:21/05/2019	Application:16/4902/DD03 Details pursuant to condition no. 6 - hard surfacing, design/layout of boundary treatment to front/rear gardens, cycle storage, bin storage of appeal decision 16/4902/FUL.
<u>Development Management</u> Status: GTD Date:16/05/2019	Application:16/4902/DD04 Details pursuant to condition 8 - pv panels of appeal decision 16/4902/FUL.
<u>Development Management</u> Status: GTD Date:22/10/2019	Application:16/4902/SDD01 Written notification of commencement of works in accordance with Clause 4.1.2 of Legal Agreement dated 7 February 2017.
<u>Development Management</u> Status: ARPR Date:08/01/2024	Application:23/3203/GPD26 Application to determine if prior approval is required for a proposed: Change of Use from Commercial, Business, Services (Use Class E) to Dwellinghouses (Use Class C3)
<u>Development Management</u> Status: PCO Date:	Application:24/0846/GPD24 Change of use from Class E (commercial, business and service) to Mixed Use Class E (commercial, business and service) and Class C3 (dwellinghouses) to provide 1x self-contained dwelling.
<u>Appeal</u> Validation Date: 10.04.2018 Reference: 18/0042/AP/REF	Construction of a two storey, one bed dwelling-house along with associated cycle storage, car parking and landscaping. <b>Appeal Allowed</b>

<b>Application Number</b>	<b>24/0846/GPD24</b>
Address	91 Sheen Road, Richmond, TW9 1YJ
Proposal	Change of use from Class E (commercial, business and service) to Mixed Use Class E (commercial, business and service) and Class C3 (dwellinghouses) to provide 1x self-contained dwelling.
Contact Officer	Grace Edwards
Target Determination Date	23/05/2024

## 1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

By indicating that the development proposal complies with the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the planning officer is taking into account the information submitted with the application, material planning considerations raised within any representations received relevant to the Class G assessment and any previous relevant applications.

## 2. DESCRIPTION OF THE SITE

The application site comprises a three-storey terraced property located on the western side of Sheen Road. A car park is located to the rear, accessed via Worples Way. The car park serves as a car park for Dunstable House which is a Grade II Listed Building. The site is located within the Sheen Road Conservation Area (CA31) and is surrounded by a number of locally designated Buildings of Townscape Merit (BTM) but it itself is not designated as a BTM. The site is also subject to the following planning constraints:

- Area Susceptible to Groundwater Flooding  $\geq 75\%$
- Article 4 Direction – restricting basement development
- Critical Drainage Area
- Sheen Road Key Office Area
- Richmond Town Centre Boundary Buffer Zone
- Risk of Flooding from Surface Water 1 in 1000 chance
- Throughflow Catchment Area
- Richmond and Richmond Hill Village
- Sheen Road Village Character Area

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission for the change of use from Class E (commercial, business and service) to Mixed Use Class E (commercial, business and service) and Class C3 (dwellinghouses) to provide 1x self-contained dwelling.

The full planning history can be viewed above. Of relevance:

**16/4902/FUL** – Construction of a two storey, one bed dwellinghouse along with associated cycle storage, car parking and landscaping – **Refused. Appeal Allowed.**

**23/3203/GPD26** - Application to determine if prior approval is required for a proposed: Change of Use from Commercial, Business, Services (Use Class E) to Dwellinghouses (Use Class C3) – **Refused for the following reasons:**

### **Reason for Refusal – absence of evidence**

*In the absence of evidence demonstrating that 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 application fails to comply with criteria MA.1(1)(a) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In addition, in the absence of evidence demonstrating that the application site has been in a Class E use for a continuous period of at least 2 years prior to the date of the application for prior approval, the application fails to comply with criteria MA.1(1)(b) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

### **Reason for Refusal – Insufficient drawings**

*In the absence of sufficient drawings including a scale bar, the application fails to demonstrate compliance with the National Described Space Standards under Article 3 paragraph 9a and the requirements of W(2)(bc) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order*  
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2015 (as amended).

**Reason for Refusal – Listed Building**

By reason of the site adjoining a Grade II Listed Building (Dunstable House, 93 Sheen Road, TW9 1YJ), the application fails to comply with criterias MA.1(1)(d)(ii) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Amendments**

During the course of the application, additional information was provided to clarify the existing use of the site, and altered floor plans were provided.

**4. CONSULTATIONS CARRIED OUT**

Adjoining neighbours have been consulted on the application. No representations have been received.

**5. ASSESSMENT AGAINST THE GPDO CRITERIA**

This application is for a Prior Approval and as such will be assessed under Part 3 – Changes of Use, Class G ‘Commercial, Business and Service or betting office or pay day loan shop to mixed use’ contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**The scheme is considered to meet the required legislation for prior approval to be granted under Class G – Commercial, Business and Service or betting office or pay day loan shop to mixed use.**

<b>G. Development consisting of a change of use of a building—</b>
<i>(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats</i>
<b>(b)</b> Omitted
<b>(c)</b> from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats
<b>(d)</b> Omitted
<b>(e)</b> from a use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.

**Conditions**

<b>G.1 Development permitted by Class G is subject to the following conditions—</b>	<b>Officer’s Comment:</b>
<b>(a)</b> some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;	Complies
<b>(b)</b> where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;	Complies - Only access to the flat is at ground floor level and not any habitable rooms associated with the flat.

<p><b>(c)</b> a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—</p> <p>(i) by a single person or by people living together as a family, or</p> <p>(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)</p>	<p>Complies – confirmed within submitted application form.</p>
<p><b>(d)</b> before beginning 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—</p> <p>(i) contamination risks in relation to the building;</p> <p>(ii) flooding risks in relation to the building;</p> <p>(iii) impacts of noise from commercial premises on the intended occupiers of the development;</p> <p>(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;</p> <p>(v) arrangements required for the storage and management of domestic waste.</p>	<p>Complies - See assessment below.</p>

**G.1 (D)**

**(i) Contamination risks in relation to the building**

Given the previous land use history, the area does not suggest that the site has previously been subject to contamination and the constraints associated with the site do not highlight any past land use such as industrial which may indicate contamination of the site. Given there are no proposed works that would result in excavation into previously undisturbed land, there would be limited risk. No objection is therefore raised in this regard.

**(ii) Flooding risks in relation to the building**

The application site is located within an area susceptible to groundwater flooding, a critical drainage area and risk of surface water flooding and within a throughflow catchment area. The applicant has not submitted a Flood Risk Assessment, however there would be no external alterations at ground floor level or below. The proposed alterations would be located on the roof level, well above AOD.

As such, it is not considered that the development would increase the risk of flooding and there are no objections in this regard.

**(iii) Impacts of noise from commercial premises on the intended occupiers of the development**

A Noise Assessment was not submitted with the application. Whilst the surrounding locality benefits from various commercial units, the area is predominantly residential with complimentary uses in the vicinity.

Therefore, it is not considered that the impact of noise from commercial premises would be detrimental to the intended occupiers of the site.

**(iv) The provision of adequate natural light in all habitable rooms of the dwellinghouses**

From the submitted floor plans it would appear that all habitable rooms benefit from windows of adequate size to ensure 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.

**(v) Arrangements required for the storage and management of domestic waste**

The applicant proposes to accommodate the domestic waste requirements within the rear courtyard.

Details are required of the bin store which should be in accordance with Richmond's Supplementary Planning Document and can be secured by condition.

**Other**

*Space standards*

Section 3 (Permitted Development) paragraph 9A states that:

*Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—  
(a) where the gross internal floor area is less than 37 square metres in size; or  
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 and*

The proposed unit would have a gross internal floor area of 40sqm, and would therefore comply with the requirements set out in part a above.

As originally submitted, the proposed layout showed a bedroom which was of a size which would be considered a double bedroom. The Nationally Described Space Standard states that a 1B2P single storey dwelling should have a minimum gross internal floor area of 50sqm. The proposed unit has a GIA of 40sqm and would therefore fail to comply in this regard.

During the course of the application, amended plans were submitted which proposed an additional built in storage cupboard which reduced the width of the bedroom, such that it would no longer meet the requirements of a double bedroom, and would therefore be considered a single occupancy bedroom.

The NDSS states that a 1B1P single storey dwelling should have a minimum GIA of 39sqm, given the unit has a bath instead of a shower. The proposed unit would therefore comply with this requirement.

The proposed unit would comply with the NDSS in relation to built in storage and floor to ceiling height.

**Conclusions**

The scheme submitted under this prior approval complies with the requirements set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**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: .....21/05/2024.....

**I agree the recommendation:**



Team Leader/Head of Development Management/Principal Planner

Dated: ...03/06/2024.....

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: .....