

Peter Weatherhead Planning

144 WALDEGRAVE ROAD, TEDDINGTON, TW11 8NA

PLANNING STATEMENT

Application for Prior Approval under Class MA for change of use of a building and any land within its curtilage from use falling within Class E to a use falling within Class C3

Submission on behalf of Kyte Developments and Trading Ltd

1 Introduction

- 1.1 This Statement has been prepared on behalf of Kyte Developments and Trading Ltd in support of an application for prior approval under the Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2024, Class MA for a change of use of a building and any land within its curtilage from a use falling within Class E to a use falling within Class C3 at 144 Waldegrave Road, Teddington, TW11 8NA.
- 1.2 Development under Class MA requires that the developer applies 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, particularly to ensure safe site access;
 - Contamination risks in relation to the building;
 - Flooding risks in relation to the building;
 - Impacts of noise from commercial premises on the intended occupiers of the development;
 - The provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - The impact of the development on 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;
 - Where relevant, fire safety impacts on the intended occupants of the building.
- 1.3 In addition, Paragraph W advises that the application must be accompanied by:
- (a) A written description of the proposed development;
 - (b) A plan indicating the site and showing the proposed development;
 - (c) The developer's contact detail and email address.
- 1.4 The application comprises:
- Location plan
 - Drawing 601B-7A – site and ground floor plan
 - Drawing 601B-8 – site and roof plan
 - Drawing 601B-9 – elevations
 - Planning Statement
 - Contamination assessment
 - Flood risk assessment
 - Daylight assessment.
- 1.5 This Statement and the accompanying documents and plans demonstrate why prior approval, if needed, should be granted.

2 The Property

- 2.1 The property is a single storey motor vehicle repair garage. It is on the edge of an Area of Mixed Use designated in the adopted Richmond Local Plan and is flanked to the south and east by housing. The back gardens of houses in Arlington Road border the site at the back. There is a public right of way bordering the site to the north which connects Waldegrave Road and Arlington Road.

3 Planning History

- 3.1 The existing use for the servicing and repair of motor vehicles is the type of use that can be carried out in any residential area without detriment to its amenity and falls within the Use Class E(g). This was confirmed in a pre-app letter dated 28 July 2022. We point this out because a more recent pre-app letter dated 20 February 2024 refers to the use as both Class E(g) and as an MOT testing centre which it deems to be sui generis. However, the premises have not been used for MOT testing since August 2021 (as confirmed by the Driver and Vehicle Standards Agency) but are used as a general motor repair garage with MOT testing being conducted off site.
- 3.2 On 14 June 2024 planning permission was granted for external alterations to the building including replacement of steel shutter doors and timber doors with new glazing units in front and rear elevations, replacement door in front elevation and replacement of asbestos roof with tiled clay roof – Application ref: 24/0943/FUL. It was recognised during the application process that the current use of the site is within Class E(g).
- 3.3 The building’s earlier planning history can be summarised:
- April 1987 refusal for an external spray bake oven for respraying damaged cars on the grounds that the structure was sited on a residential boundary and would appear unneighbourly and obtrusive. This confirms that the use is light industrial and capable of being carried out in any residential area without detriment to neighbour amenity.
 - August 1986 permission for erection of roof over alleyway and replacement of the existing paint store including paint mixing scheme. There was a condition stating that the covered way shall not be used for any other industrial purpose, including those within the same use class, other than the servicing and repair of motor vehicles. The reason for the condition was to allow the LPA to control indiscriminate growth of industrial activity on site which could prejudice the amenities of neighbouring occupiers or the area in general.
 - March 1984 permission for retention of an extension at the rear of the existing service and repair garage to enable the use of cellulose spray paint for minor accident repairs within the extension. There was a condition on the permission that no paint spraying shall be carried out other than within the extension and the reason for the condition was to ensure that the development does not prejudice the amenities of the area.
- 3.4 It is evident that the Council sought to protect residential amenity as though dealing with a light industrial use. Service uses of this kind which are carried out in a residential area without detriment to its amenity are typically Class E(g) or more specifically E(g) (iii). The latter is a catch all “any other services which it is appropriate to provide in a commercial, business or service locality”. This would include light industrial use in a residential area.

4 Description of Proposed Development

- 4.1 The change of use under the General Permitted Development Order will provide one dwellinghouse. The layout shows a single storey conversion providing a living room, kitchen/diner, two bedrooms and bathrooms.

4.2 The dwelling has been designed to a high standard and comfortably exceeds national minimum space standards and has sufficient ceiling height. The internal floorspace is in excess of 106m² whereas the nationally described space standard for a 2 bedroom 4 person single storey dwelling is 70m². The external alterations to the building have been granted separate planning permission under application 24/0943/FUL in June 2024.

5 Assessment Under Class MA

5.1 This application for prior approval that the proposed change of use of the existing Class E building at 144 Waldegrave Road to form one Class C3 dwelling may be facilitated without the need for planning permission under Class MA of the Town and Country Planning (General permitted Development etc) (England) Order 2024.

5.2 It is confirmed that the use of the building fell within Class E (commercial, business and service) for a continuous period of at least 2 years prior to the date of this application. The Class E use is as a motor repair garage and the history is well documented on the Council's website to demonstrate this and summarised above.

5.3 The land covered by, or within the curtilage of, the building does not fall within any of the exclusions set out in the Order. It is not or does not form part of:

- a site of special scientific interest
- a listed building or land within its curtilage
- a scheduled monument or land within its curtilage
- a safety hazard area
- a military explosives storage area.

5.4 The building is not within

- an area of outstanding natural beauty;
- an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and countryside Act 1981;
- the Broads;
- a National Park; or
- a World Heritage Site.

5.5 The site is not occupied via an agricultural tenancy.

5.6 As such, the proposed development is permitted under Class MA subject to application to the local planning authority for a determination as to whether prior approval will be required as to the criteria set in paragraph 1.2 above and discussed below.

Transport Impacts

5.7 The proposed change of use from a motor repair garage to a dwelling will result in a benefit in terms of transport impacts and road safety. Indeed, any transport impacts would not be discernible.

5.8 The existing business has parking for 4/5 customer cars on its forecourt. The change of use to a dwelling would mean that one on-site parking space would be provided in compliance with the standards in Local Plan policy LP45 Parking Standards and Servicing and the London Plan. The proposed development would provide a parking space parallel

to the road and so there would be no need for reversing into the road resulting in an improvement in highway safety. There would also be front garden space and planting on the frontage.

5.9 Additionally the premises is accessibly located on major bus routes and within walking distance of local shops and services.

5.10 On this basis the proposal is considered satisfactory.

Contamination Risks

5.11 A Contaminated Land Risk Assessment Phase 1 Desk Study by STM Environmental has been submitted and this recommends that given potentially significant pollution linkages it is recommended that an intrusive site investigation is undertaken with the objective of determining the presence and extent of any soil or gaseous contamination at the site.

5.12 To put these risks in context, Table 8 of the report identifies that all potential risks are categorised as being either 'very low', 'low' or 'low to moderate'. The applicants are happy for there to be a condition requiring such an intrusive investigation prior to the start of any work on site.

5.13 On this basis the proposal is considered satisfactory.

Flooding Risks

5.14 A Flood Risk Assessment by Innervision Design Ltd has been submitted and confirms that:

- the site is in flood zone 1 and there is no apparent flood risk to the development of the site
- The use of retrofit SuDS and reducing impermeable areas will proactively reduce surface water run-off and reduce local flood risk within the critical drainage area.

5.15 The report concludes that in respect to flood risk and the critical drainage area the proposed use of the building as a dwelling can be done with negligible flood risk. On this basis the proposal is considered satisfactory.

Adequate Natural Light to Habitable Rooms

5.16 The proposed dwelling has been designed to ensure that all habitable rooms have natural daylight from windows. Planning permission has been granted for alterations to the fenestration which facilitates this.

5.17 A Daylight and Sunlight Report by MES Building Solutions is submitted with this application. The report concludes:

"All four of the proposed habitable rooms comfortably meet the BRE guidance for daylight provision. While overall the newly formed dwelling will meet the BRE guidance for sunlight provision.....The development achieves an effective and balanced level of daylight provision, complying fully with the planning guidance for daylight and sunlight provision for new dwellings".

On this basis the proposal should be considered satisfactory.

Impact of Introduction of Residential Use

- 5.18 The site and surrounding area is not designated by Richmond as an employment area or industrial location and the property is located at the southern end of an Area of Mixed Use. It is flanked by housing to the south and east and the back gardens of houses in Arlington Road border the site at the back. There is a public right of way bordering the site to the north which connects Waldegrave Road and Arlington Road. Whilst there are a small number of commercial properties to the north and opposite the prevailing occupation and character of the area is residential.
- 5.19 The introduction of a further residential use in this area would not alter, but in fact complements the predominantly residential nature of the area. As such, it is not considered that there would be an adverse impact on intended occupiers of the dwelling from any surrounding uses. On this basis the proposal should be considered satisfactory.

6 Developer Contact Details

- 6.1 Developer: Kyte Developments and Trading Ltd
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Phone: 07873 203199

7 Conclusions

- 7.1 This Planning Statement is submitted in support of an application which seeks the Council's prior approval to facilitate the use of the existing Class E premises at 144 Waldegrave Road as a Class C3 dwelling. This application is in compliance with the permitted development rights allowed under Class MA of the Town and Country Planning (General Permitted Development etc) (Amendment) Order 2024.
- 7.2 It is considered that the evidence presented in this Statement and the submitted drawings and supporting documents demonstrate that the proposals meets the relevant criteria of Class MA and that prior approval should be granted.