



TOWN & COUNTRY PLANNING CONSULTANTS

Planning Department
London Borough of Richmond upon Thames
Civic Centre
Twickenham
TW1 3BZ

JL/BS/445

BY E-MAIL

28 August 2024

Dear Sir or Madam,

**RE: 157A KEW ROAD, RICHMOND, SURREY, TW9 2PN
COVERING LETTER: SUPPORTING PLANNING INFORMATION
APPLICATION FOR PRIOR APPROVAL: CONVERSION OF CLASS E (HEALTH
& MEDICAL SERVICES) TO A SINGLE-FAMILY DWELLING (C3)**

This letter is submitted to the London Borough of Richmond upon Thames ("Council"), on behalf of Dr Paul Danford ("Applicant"), in support of a change of use of Class E premises into a dwellinghouse (Use Class C3) at 157A, Kew Road, Richmond, Surrey, TW9 2PN ("Site").

The Application for Prior Approval is submitted under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (GDPO) as amended, and seeks the Council's approval for development comprising a change of use of a building falling within Use Class E (health and medical services to visiting members of the public) of Schedule 2 of the Use Classes.

The change of use from Use Class E (offices) to C3 (Dwellinghouse) is subject to the condition that before beginning the development, the developer shall apply to the Council for a determination as to whether the prior approval of the authority will be required as to:

- Transport and Highways impacts of the development;
- Contamination risks on the Site;
- Flooding risks on the Site;
- 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 dwelling house;
- 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;
- Impact on the character or sustainability of the conservation area and,
- Fire safety impacts on the intended occupants of the building.

This letter should be read in conjunction with the following documents (in no order):

- Completed Application and CIL Forms prepared by JLA
- Existing and Proposed Drawings prepared by 4D Architects
- The Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)
- The Town and Country Planning Act 1990 as amended Town and Country Planning (Development Management Procedure) (England) Order 2015

In support of this application:

1. APPLICANT'S CONTACT DETAILS

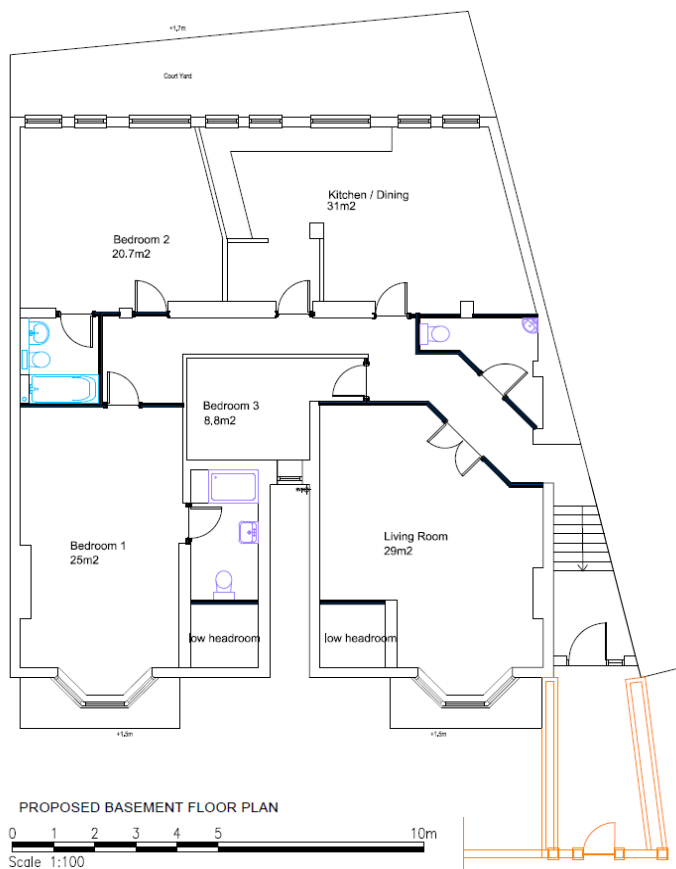
The Applicant / Developer is Dr. Paul Danford.

2. WRITTEN DESCRIPTION OF THE PROPOSED DEVELOPMENT

The development comprises the conversion of Use Class E (health and medical services to visiting members of the public) (Use Class E) to a single-family dwelling (C3) with associated refuse and cycle storage.

No external alterations are proposed.

Proposed Floor Plan (Dwg. No. 2417 PL02 PRO PLAN)



3. DETAIL / PLAN OF THE SITE & DEVELOPMENT

Site Details

The Site is an existing Chiropractic Clinic at the basement level of a three-storey, semi-detached town house with residential unit on the upper floor.



Context

Google Map: Aerial Photograph of the Site & Surrounding Area



Transport & Accessibility

The site has an excellent PTAL Rating (6a) and is located within a Controlled Parking Zone).

TfL WebCAT (PTAL Rating)

Access level (PTAL) **Time mapping (TIM)**

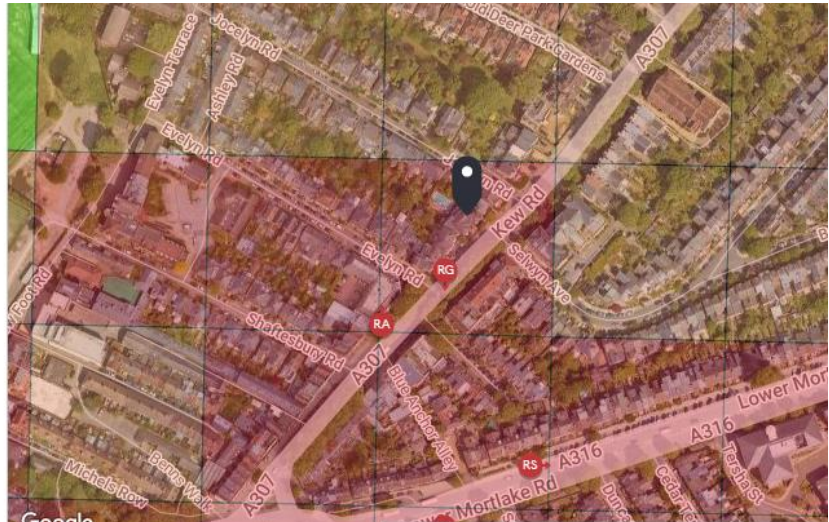
PTAL: a measure which rates locations by distance from frequent public transport services.

Map key - PTAL

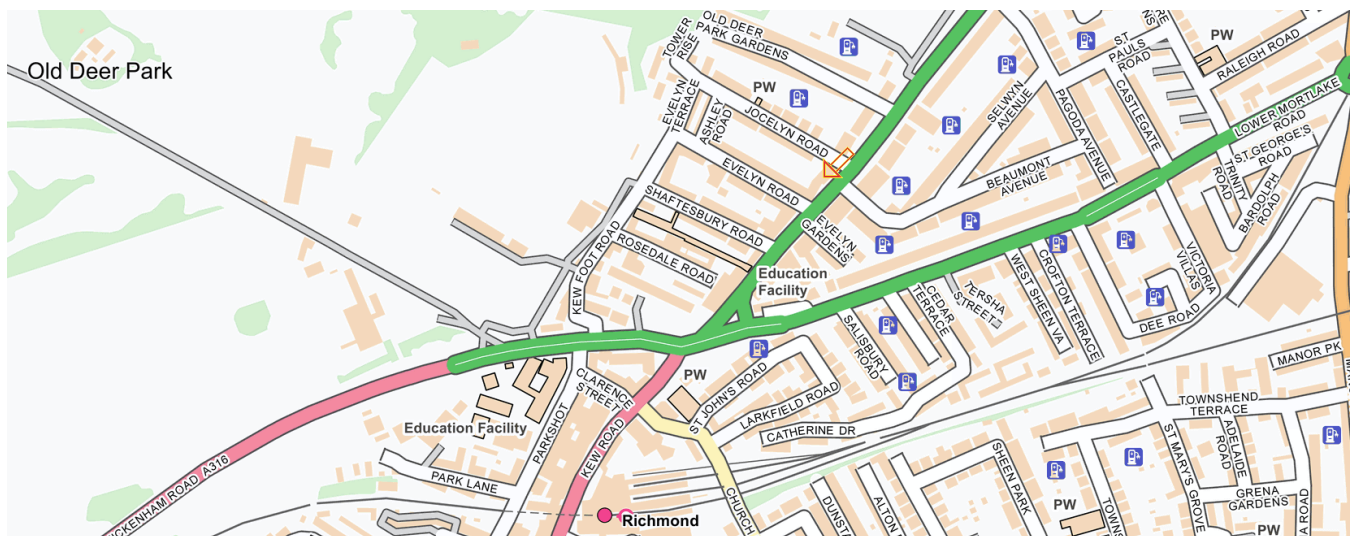
0 (Worst)	1a
1b	2
3	4
5	6a
6b (Best)	

Map layers

PTAL (cell size: 100m)



Street Map



Heritage Assets

The building is locally listed as a Building of Townscape Merit and is located within the Kew Foot Road Conservation Area and Mixed-Use Area.

Environmental Settings

Contamination

The building has been in use as a Chiropractic Clinic and as such, no contamination in relation to this use has taken place.

The entirety of the Site is covered by hardstanding, and it was held by the Council's Scientific Officer that if the areas are going to be completely covered with hardstanding, no further investigation will be required.

Flood Risk

The Site does not lie within an area at risk of flooding (Flood Zone 1). The Site is not designated in a Critical Drainage Area. A small area to the southwest of the Site is noted as being within a 1 in 1000 chance of surface water flooding.

According to the Council's SFRA the Site is susceptible to ground water flooding.

Noise

The Site is bound by a residential use however, as this is a Chiropractic Clinic, it does not give rise to unreasonable noise.

Planning History

There is extensive history relating to the Site, the most recent and relevant of which, is set out below.

No. 155 and 157 Kew Road

DC	82/0424	Erection of a swimming pool enclosure in rear garden for private use only.	Received: 07-Apr-1982 Valid: 07-Apr-1982	refused permission 30-Jul-1982	Not known
DC	81/0534	Erection of rear extensions to basement, ground and first floors of Nos. 155 and 157. Erection of a two storey side extension to No. 155 for use as a garage with a one bedroom flat over. Use of the basement of Nos. 155 and 157 for chiropractic practice. (Amended Drawing No. 81/402A)	Received: 31-Mar-1981 Valid: 31-Mar-1981	granted permission 08-Jun-1982	Not known

No. 157 Kew Road

DC	98/0322	Removal Of Existing 1st Floor Extension. Erection Of Glazed Extension And Retaining Wall Around Flat Roof. Rooflights On Main Roof.	Received: 18-Feb-1998 Valid: 18-Feb-1998	granted permission 25-Jun-1998	Mr J Spemyn
DC	98/0323	Removal Of Existing Rear Brick And Flat Roof Extension. Removal Of Upper Surface Of Existing Flat Roof Over Area Of Proposed Terrace.	Received: 18-Feb-1998 Valid: 18-Feb-1998	decided as no further action be taken 18-May-1998	Mr J Spemyn
DC	94/3799/FUL	Conversion Of Roof Slope On Rear Of House To A Flat Terrace Area.	Received: 28-Dec-1994 Valid: 28-Dec-1994	Decode not available for RSS 20-Feb-1995. Appeal Dismissed on 18-Aug-1995	Mr Christopher Tankard
DC	83/1035/ADV	For Advertisements.	Received: 11-Aug-1983 Valid: 11-Aug-1983	granted permission 15-Nov-1983	Not known

No. 157A Kew Road

DC	15/4433/FUL	Change of use from D1 (chiropractor) to C3 residential dwelling.	Received: 19-Oct-2015 Valid: 20-Jul-2016	In Progress	MS Lucia Saraska
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4. PLANNING POLICY FRAMEWORK

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, when determining a planning application, regard is to be given to the Development Plan, and the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.

National

Ministry of Housing, Communities & Local Government

- National Planning Policy Framework (2023) including Guidance

Regional

Greater London Authority

Local

London Borough of Richmond upon Thames

- Local Plan (2018)
- The Publication Version Local Plan (Regulation 19 version)
- Online Proposals Map



5. ASSESSMENT OF IMPACT

The change of use from Use Class E (shop) into Use Class C3 (dwellinghouse) is subject to the conditions set out under Class MA (commercial, business and service uses to dwellinghouses) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Class MA (commercial, business and service uses to dwellinghouses) of the GDPO permits the change of use of change of use of a building from a use falling within Class E to Class C3 (dwellinghouses), subject to the following conditions.

Development not permitted by Class MA:

- 1(b) The Site has been in use under Class E (health and medical services to visiting members of the public) for a continuous period of at least 2 years prior to the date of the application for prior approval.
- 1(d to g) No applicable.
- 2(a) Compliant – the use of the building before 1 September 2020 was health and medical services to visiting members of the public.
- 2(b) Compliant - The last use of the building was used for Class E on Schedule 2 on and after 1st September 2020.

The implementation of Class MA (commercial, business and service uses to dwellinghouses) through permitted development rights is subject to the condition before commencement of development. Developers should apply to the local planning authority, the Borough of Richmond upon Thames, for prior approval in regard to:

- Transport and highways impacts of the development;
- Contamination risks in relation to the building;
- Flooding risks in relation to the building
- Impacts from noise from commercial premises on the intended occupiers of the new development;
- The provision of adequate natural light in all habitable rooms of each new dwellinghouse;
- Impact on Intended occupiers of the development of the introduction of residential use in an area the authority considers Important for general or heavy Industry;
- Waste Management, Storage and Distribution, or Mix of Such Uses;
- Impact on the character or sustainability of the conservation area and,
- Fire Safety Impact.

These matters are considered in turn.

Transport & Highways Impact of the Development

As per Policy LP 44 of the Local Plan, the Council will seek to promote safe, sustainable, and accessible transport solutions. There is a strong emphasis on ensuring that development proposals do not have a severe impact on the operation, safety, and accessibility to the local or strategic highway networks. Any adverse impact on the highway should be mitigated through the provision of, or improvements towards necessary and relevant transport improvements.

Policy LP45 of the Local Plan (2018) requires new schemes to provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

In general, it is expected that in PTAL Areas of 5 and 6 developments should be 'car free'.

The Site benefits from an existing cycle store. To meet minimum standards for the development, accommodation for an additional two cycles would be provided internally within a separate secure and enclosed area for the use of residents.

The existing refuse store for the offices would be used for the proposal and would accommodate 6 x 240l two-wheeled bins (one per household) for general waste, 12 x 55l boxes (two per household) for recyclables and 6 x 23l boxes (one per household) for food waste.

It is considered that the projected net change in vehicle trips as a result of the proposed scheme could result in one fewer vehicle movement.

In light of the above, and the sustainable location of the Site, the proposal will have no adverse impact in regard to transport and highways and compiles fully with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA.

Contamination Risks on the Site

Local Plan Policy LP 10 notes that the Council will ensure all development proposals do not lead to detrimental impacts on the health, safety, and the amenity of existing and future occupiers of the development and surrounding sites. Potential contamination risks are required to be properly considered and mitigated before development proceeds.

The Site has no history of contamination. As set out above, the Site is covered by hardstanding, which would be undisturbed.

It is proposed to retain the hardstanding to the Site and no garden areas are proposed, principally as the hardstanding provides pedestrian, cycle and vehicular access to the buildings, parking spaces, refuse areas etc.

Given the above and based on the development of other dwellings as part of the previous planning applications, it is not considered necessary to require further investigation by way of condition.

In light of the above, and the findings in the assessment, the proposal will have no adverse impact in regard to contamination and compiles fully with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA.

Flood Risks on the Site

Policy LP21 covers Flood Risk and states that all development should avoid contributing to all sources of flooding. The policy also states that there is no land use restriction for development within Flood Zone 1.

The Site does not lie within an area at risk of flooding (Flood Zone 1). The Site is not designated in a Critical Drainage Area. A small area to the southwest of the Site is noted as being within a 1 in 1000 chance of surface water flooding.

According to the Council's SFRA the Site is susceptible to ground water flooding.

While lying within at risk of ground water flooding, no development aside from the conversion is proposed. The building does not include an existing basement.

However, mitigation measures could be incorporated, which include flood resistance and resilience as precautionary measures and the usual flood warning systems in place that future occupants can sign up to.

In light of the above, the change use will have little to no impact in terms of flood risk, and the mitigation proposed is proportionate to this limited risk. As such, the proposal complies fully with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA.

Impact of Noise from Commercial Premises on the Intended Occupiers of the Development

Local policy LP10 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 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.

There are no commercial noise sources around the immediate boundaries of the Site, and as such, the adverse effects of noise are minimal for the development proposal.

It is therefore considered that the proposed development is in compliance with the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA in this regard.

The Provision of Adequate Natural Light in All Habitable Rooms of the Dwellinghouse

Local Plan Policy LP8 states that ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development.

The submitted floor plans illustrate that each bedroom and living area benefits from windows of adequate size to ensure the 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.

It is considered that all the proposed habitable rooms, the provision of natural daylight will meet or exceed the minimum required threshold set out in the BRE Guidelines.

It is therefore considered that the proposed development is in compliance with the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA in this regard.

Impact on Intended Occupiers of the Development of the Introduction of Residential Use in an Area the Authority Considers Important for General or Heavy Industry, Waste Management, Storage and Distribution, or Mix of Such Uses

There is no heavy industry, waste management, storage and distribution, or other such mix of uses in the area.

It is therefore considered that the proposed development is in compliance with the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA in this regard.

Impact on the Character and Sustainability of the Conservation Area

Local Plan Policy LP3 states that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough.

Policy 28 of Draft Publication Version (Reg 19) Local Plan (2023) echoes the above.

The proposed development would not result in any external alterations to the building. In relation to the proposed use, the loss of these small offices is not considered to detract from the character and sustainability of the conservation area.

It is therefore considered that the proposed development would preserve and enhance the character and appearance of the conservation area and the development is in compliance with the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA in this regard.

Fire Safety Impacts on the Intended Occupants of the Building Where the Development Meet the Fire Risk Condition

Part MA.3 of GPDO states that development meets the fire risk condition if the development relates to a building that will contain two or more dwellinghouses, be 18 metres or more in height or contain 7 or more storeys.

The proposal relates to the conversion for a single-family dwelling and thus, the above would not apply.

It is therefore considered that the proposed development is in compliance with the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA in this regard.

Compliance with the National Described Space Standards

The dwelling would comply with the standards set out in the National Described Space Standards.

Other Matters

Under Paragraph W of the Order, (procedure for applications for prior approval under Part 3) (2) (bc) the application must be accompanied by a "a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses".

In this respect, please refer to the drawings prepared, which provide the necessary details for assessment.

6. SUMMARY & CONCLUSIONS

The proposal comprises the conversion of the health and medical services to visiting members of the public to a single-family dwelling.

For the reasons set out above, the proposed change of use from Class E to Class C3 (dwellinghouse) complies with the criteria set out in the Order and will have no adverse impact in terms of highways and transport, flood risk, noise, ground contamination, and each habitable room would benefit from adequate access to light.

It is, therefore, clear that the proposal complies fully with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Class MA and constitutes permitted development.

I trust this letter is satisfactory for the registration and validation of the Application and I look forward to receiving an acknowledgement of this letter shortly. However, please let me know should you require any additional information or have any queries.

Yours faithfully,

James Lloyd B.Sc (Hons) M.Sc TCP MRTPI
Director

M: 07772 161 205
E: james.lloyd@jl-a.co.uk