

**Application reference: 24/1812/GPD26**  
**MORTLAKE AND BARNES COMMON WARD**

Date application received	Date made valid	Target report date	8 Week date
14.07.2024	14.07.2024	08.09.2024	08.09.2024

**Site:**

The Old Fire Station, 123 Mortlake High Street, Mortlake, London

**Proposal:**

Conversion of property from use Class E(g)(i) to Use Class C3 to provide one dwelling.

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

**APPLICANT NAME**

Guy Holt C/o Planning Potential

**AGENT NAME**

Grace Beeby, Planning Potential  
Second Floor East  
136-148 Tooley Street  
London  
SE1 2TU

**DC Site Notice:** printed on 19.07.2024 and posted on 26.07.2024 and due to expire on 16.08.2024

**Consultations:**

**Internal/External:**

**Consultee**

14D Urban D  
LBRUT Transport  
LBRuT Waste Services  
LBRUT Environmental Health Contaminated Land  
LBRuT Non-Commercial Environmental Health Noise Issues

**Expiry Date**

02.08.2024  
02.08.2024  
02.08.2024  
02.08.2024  
02.08.2024

**Neighbours:**

318 Cowley Mansions,Cowley Mansions,Mortlake High Street,Londo,SW14 8SL -  
320 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
318 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
316 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
314 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
312 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
310 Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
320 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
316 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
312 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
318 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
314 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
310 Cowley Mansions,Mortlake High Street,Mortlake,London,SW14 8SL, - 19.07.2024  
Unit T32,Tideway Yard,125 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Unit T30,Tideway Yard,125 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 6,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 5,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 4,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 3,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 2,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Flat 1,Limes House,123 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Unit T23,Tideway Yard,125 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024  
Unit T22,Tideway Yard,125 Mortlake High Street,Mortlake,London,SW14 8SN, - 19.07.2024

Unit T21, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T20, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T19, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T18, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T17, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T16, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T15, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T14, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T13, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T12, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T011, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T10, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T09, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T08, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T07, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T06, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T05, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T04, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T01, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T25 And T26, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Social Club, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Council Depot, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Unit T31, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024  
 Rick Stein, Tideway Yard, 125 Mortlake High Street, Mortlake, London, SW14 8SN, - 19.07.2024

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

Development Management

Status: GTD Application: 65/1650  
 Date: 10/01/1966 Alterations and use of premises for office accommodation.

Development Management

Status: GTD Application: 17/0292/FUL  
 Date: 21/03/2017 Mansard Roof Extension and Upper Floor Terrace.

Development Management

Status: PCO Application: 24/1812/GPD26  
 Date: Conversion of property from use Class E(g)(i) to Use Class C3 to provide one dwelling.

<b>Application Number</b>	<b>24/1812/GPD26</b>
Address	The Old Fire Station, 123 Mortlake High Street, Mortlake, London, SW14 8SN
Proposal	Conversion of property from use Class E(g)(i) to Use Class C3 to provide one dwelling.
Contact Officer	Grace Edwards
Target Determination Date	08/09/2024

## 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; the NPPF and Local Plan policies and material planning considerations raised with any representations received insofar as they are relevant to the assessment under Schedule 2, Part 3, Class MA; and any previous relevant applications.

## 2. DESCRIPTION OF THE SITE

The application site comprises a three storey building located on the northern side of Mortlake High Street. The building is a Building of Townscape Merit and is located within the Mortlake Conservation Area. It adjoins Grade II\* listed building The Limes. The site is also subject to the following constraints:

- Area of Archaeological Priority
- Area susceptible to groundwater flooding
- Floodzone 2
- Floodzone 3
- Increased potential for elevated groundwater
- Floodzone 3a

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

The application seeks permission for the conversion of the whole property from use Class E(g)(i) to Use Class C3 to provide one dwelling.

The comprehensive list of planning history can be found above. Of relevance:

### *The Old Fire Station:*

**65/1650** - Alterations and use of premises for office accommodation. **(Granted)**

**93/1523/FUL** - Works To Front Car Parking Area Including Erection Of New Walls Gates, Railings And Piers. **(Granted)**

**94/0154/FUL** - Erection Of First Floor Rear Extension And Internal Alterations **(Granted)**

**98/2325/FUL** - Erection Of 2-storey Rear Extension, Elevational Alterations, Erection Of Railings And Posts On Front Boundary, Resurfacing Of Car Park. **(Granted)**

**17/0292/FUL** - Mansard Roof Extension and Upper Floor Terrace. **(Granted)**

### *The Limes:*

**89/0515/FUL & 89/0516/LBC** - Part 2,part 3 Storey Extension To N E Of Building For Wcs & Offices,raised Roof Lantern & Escape Bridge.3 Additional Parking Spaces,resurface Car Park & New Boundary Wall **(Granted)**

**06/0485/FUL** - Erection of roof extension at 3rd floor level including new dormer windows to road elevation and terrace to rear elevation **(Refused – Appeal Dismissed)**

**16/0291/FUL & 16/0292/LBC** - Proposed erection of new railings and gates. **(Granted)**

**16/4186/FUL & 16/4187/LBC** - Erection of railings to existing side boundary wall **(Granted)**

**17/0292/FUL** - Mansard Roof Extension and Upper Floor Terrace. **(Granted)**

**4. CONSULTATIONS CARRIED OUT**

Adjoining neighbours have been consulted on the application.

One letter of objection has been received, raising concerns as follows:

- Loss of light/overshadowing
- Loss of privacy through overlooking
- Visual amenity
- Inadequate parking
- Noise and disturbance
- Hazardous materials potentially used in construction
- Dust
- Smells
- Conservation area restricted to change

**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 MA ‘Commercial, Business and Service Uses to Dwellinghouses’ contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**The Scheme is considered to meet the required criteria for prior approval to be granted under Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’.**

MA.1 Development is not permitted by Class M—	Officer’s Comment:
(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 - leases are provided to demonstrate the previous occupier has occupied the site for office purposes for more than 2 continuous years.
(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 – see commentary below
(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

<p>(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.</p>	Complies
<p>(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;</p>	As above – see sub para 1(b)
<p>(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	As above – see sub para 1(b)

**Siting of application site within the curtilage of a listed building**

The regulations state that development under class MA is not permitted if land covered by, or within the curtilage of, the building is or forms *part of a listed building or land within its curtilage*.

Whilst the building is technically physically attached, given it was built as a separate building forming part of the fire engine station and under separate ownership at the time it was built, the Councils Heritage Officer is satisfied that the building known as The Old Fire Station is not curtilage listed.

However, as above, it also needs to be determined whether the building is located on land within the curtilage of The Limes.

Whilst it is acknowledged that the building is separately listed as a Building of Townscape Merit, this is not considered to be a determinative factor in assessing whether it would also be sited within the curtilage of The Limes.

The correct approach in determining curtilage is that set out by the Court of Appeal in the recent decision of *R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs* [2022] QB 103. Namely, the test being that for ‘one hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter’. This ‘part and parcel’ test being a matter of fact and degree for the decision-maker.

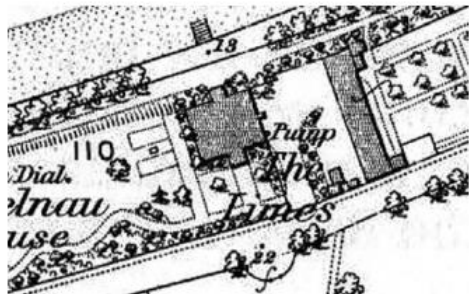
The judge also highlighted some key relevant considerations and non-relevant considerations to the ‘part and parcel’ test:

- Relevant but not determinative nor exhaustive will be (i) the physical layout of the premises; (ii) their ownership (past and present) and (iii) their use or function (past and present)
- Functional equivalence or functional interdependence is irrelevant
- The test is not whether the building and land fall within a single enclosure
- The ‘curtilage’ of a building is a different concept from ‘the planning unit’. The land does not have to be ‘ancillary’ to the building in order to fall within its curtilage, although whether it is ancillary is relevant and may be highly relevant

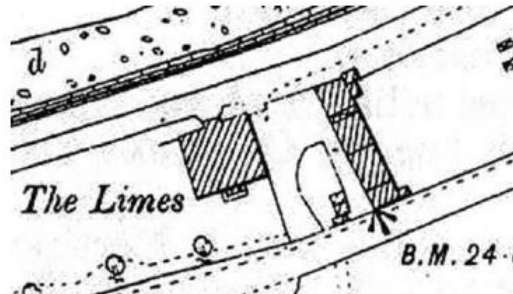
The application is supported by a Heritage Statement which makes an assessment on the above tests and concludes that the Old Fire Station does not lie within the curtilage of The Limes.

As outlined within the planning history, the physical layout of the application site is such that it is physically adjoining the adjacent grade II\* listed building The Limes, with access between the two through a fire escape door, however it does not appear to have been associated with the building in either function or form. Visually it reads as a separate building.

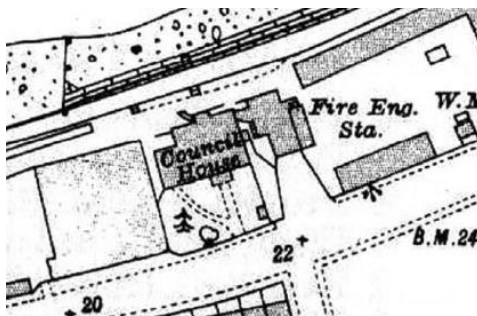
Having regard to historic maps, it can be seen that since at least 1867 there has been a distinct boundary line between The Limes and The Old Fire Station. This remains in the 1913 plan, where The Old Fire Station appears for the first time.



OS Base 1867



OS Base 1893



OS Base Plan 1913

It is noted that location plans submitted for previous applications have included a blue line surrounding a much larger site, including both The Limes and The Old Fire Station, evidencing that the application site and the adjoining listed building are/were falling within the same ownership. However, it would appear from historic records, that the sites were under different ownership at when the Old Fire Station was built.

Having regard to the physical layout of the premises, the past and present ownership of the site, as well as their past and present function, it is considered that the existing building itself is not considered to fall within the curtilage of the adjoining grade II\* listed The Limes. Class MA is therefore applicable to the proposed development, subject to the below assessment.

**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:**

2.a Transport impacts of the development particularly to ensure safe site access

*Vehicular parking*

The application site is located within an area with a PTAL rating of 3, and is within the M – Mortlake Controlled Parking Zone which is operational Monday – Friday 9am – 11am (Bank and Public Holidays free).

The applicant states that the proposal will be car free, and as such, it is considered reasonable and necessary to include a condition restricting the issuance of parking permits to the property to secure the development as car free and ensure that the lack of on site parking would not result in increased parking stress in the locality.

*Cycle parking*

The submitted floor plans demonstrate 4 cycle spaces within the gym area. This provision is considered to be sufficient to comply with the London Plan standards.

## *Waste provision*

A three bedroom dwelling requires suitable and sufficient space to store 240L of general waste, 2 x 55L recycling boxes and 1 x 23L food waste box in line with the Councils SPD.

A refuse store is shown on the ground floor plan that contains a suitable number and type of waste and recycling bins.

The bin store is to be internal to the building and inaccessible to Council refuse collectors. As such, waste will need to be presented at the edge of the highway on collection day. This arrangement is considered acceptable.

### 2.b Contamination risks in relation to the building

The application is accompanied by a Phase 1 Environmental Risk Assessment which confirms that there are low contamination risks associated with the proposal. Furthermore, the previous land use history of the site does not suggest that the site is subject to contamination. 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.

### 2.c Flooding risks to the building

The application site is located within Floodzones 2, 3 and 3a and is also within an area susceptible to groundwater flooding and with an increased potential for elevated groundwater.

The proposed use is considered as 'More Vulnerable' having regard to the Flood Risk Vulnerability and Flood Zone Compatibility table within the NPPG. Land use within floodzone 3a is restricted to 'Water Compatible', 'Less Vulnerable' and 'More Vulnerable' development. 'Highly Vulnerable' developments will not be permitted as it is not a permitted development type in Flood Zone 3a. Self-contained residential basements and bedrooms at basement level will not be permitted.

The submission notes that the land is typically 6.75m above AOD and benefits from flood defences. No sleeping accommodation is provided at ground floor level, and flood safety measures will be incorporated in the scheme, as outlined within the submitted FRA.

The submitted FRA concludes that subject to mitigation and protection measures, the development is acceptable in regards to flood risk.

The proposal is therefore considered to comply with the aims and objectives of policy LP 21 of the Local Plan and policy 8 of the emerging local plan.

### 2.d Impacts of noise from commercial premises on the intended occupiers of the development

A Noise Assessment has been submitted with the application which confirms that whilst the surrounding locality benefits from commercial units, these are some distance from the application site. The Limes building adjoining the site comprises residential units and the streets in the immediate vicinity are residential in nature.

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

### 2.e 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 site is located within the Mortlake Conservation Area and the application involves the change of use of the whole of the ground floor. Given the nature of the existing use, it is not considered that there will be a significant impact on the character or sustainability of the conservation area.

### 2.f the provision of adequate natural light in all habitable rooms of the dwellinghouses

From the submitted floor plans it would appear that all ground, first and second floor 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.

2.g 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 of 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 area.

2.h 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

The proposal would not result in the loss of a registered nursery or health centre.

2.i Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

*“MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will –*

- a. *Contain two or more dwellinghouses; and*
- b. *Satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015”.*

The proposal does not involve more than 2 units, it is not 18 metres or more in height and it does not contain 7 or more storeys. The proposal, therefore, complies with the above criteria.

## 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*

The internal floor area does not fall below 37sqm in size. Whilst no proposed occupancy has been suggested within the application, the resultant dwelling has a floor space of ~318sqm which would significantly exceed the minimum standard required for a 3-bedroom, 3 storey dwelling. The covering letter confirms that the entire property is in excess of 2.3m of floor to ceiling heights.

Concerns raised by neighbouring properties are noted. However, aside from concerns in relation to parking which have been addressed above, the concerns raised do not fall to be considered under an application of this nature.

In view of the above, it is considered that prior approval should be granted, subject to the inclusion of conditions.

## 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: .....02/09/2024.....

**I agree the recommendation:**

This application has been subject to representations that are contrary to the officer recommendation. 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: .....04.09.2024.....