



**Application reference: 24/1752/GPD26**  
**TEDDINGTON WARD**

Date application received	Date made valid	Target report date	8 Week date
08.07.2024	12.07.2024	06.09.2024	06.09.2024

**Site:**

144 Waldegrave Road, Teddington, TW11 8NA,

**Proposal:**

Change Use of motor repair garage (Use Class E) to a 2-bedroom dwelling (Use Class C3).

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

**APPLICANT NAME**

Mr Alex Munro  
 25 Pipit Drivw  
 London  
 SW15 3AP

**AGENT NAME**

Mr Peter Weatherhead  
 5 Brisson Close  
 Esher  
 Surrey  
 KT10 8JZ  
 United Kingdom

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

**Consultations:**

**Internal/External:**

**Consultee**

LBRUT Transport  
 LBRuT Non-Commercial Environmental Health Noise Issues

**Expiry Date**

29.07.2024  
 29.07.2024

**Neighbours:**

- 166 Waldegrave Road, Twickenham, TW1 4TD -
- Flat 3, 203 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 2, 203 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 1, 203 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 4, 201 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 1, 201 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 3, 201 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat 2, 201 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat, 199 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- 146 Waldegrave Road, Teddington, TW11 8NA, - 15.07.2024
- 142 Waldegrave Road, Teddington, TW11 8NA, - 15.07.2024
- 59 Arlington Road, Teddington, TW11 8NL, - 15.07.2024
- 57 Arlington Road, Teddington, TW11 8NL, - 15.07.2024
- 201 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- 61 Arlington Road, Teddington, TW11 8NN, - 15.07.2024
- 203 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- 199 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024
- Flat E, 205 Waldegrave Road, Teddington, TW11 8LX, - 15.07.2024

Flat B,205 Waldegrave Road,Teddington,TW11 8LX, - 15.07.2024  
 Flat C,205 Waldegrave Road,Teddington,TW11 8LX, - 15.07.2024  
 Flat D,205 Waldegrave Road,Teddington,TW11 8LX, - 15.07.2024  
 205 Waldegrave Road,Teddington,TW11 8LX, - 15.07.2024

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

#### Development Management

Status: GTD Application:94/0115/FUL  
 Date:17/02/1994 Removal Of Three Sliding Doors, Brick In Fill Of Centre Section And  
 Renewal Of Two Outer Doors.

#### Development Management

Status: GTD Application:83/1344  
 Date:14/03/1984 Retention of extension at rear of existing service and repair garage  
 with variation of condition 2 of planning permission No. 283/58 to  
 enable the use of cellulose spray paint for minor accident repairs  
 within the existing service and repair garage extension.

#### Development Management

Status: GTD Application:86/0299  
 Date:20/08/1986 Erection of roof over alleyway and replacement of existing paint store  
 including paint mixing scheme. (Plan No 1 of 1 and 2 of 2 amended  
 on 24.4.86).

#### Development Management

Status: REF Application:47/8402  
 Date:30/08/1957 Extension at rear of existing garage.

#### Development Management

Status: GTD Application:58/0283  
 Date:30/05/1958 Extension at rear of existing service and repair garage.

#### Development Management

Status: GTD Application:70/0514  
 Date:09/07/1970 Relaying of concrete area for use for storage of cars.

#### Development Management

Status: GTD Application:24/0943/FUL  
 Date:14/06/2024 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 clay tiled roof

#### Development Management

Status: PCO Application:24/1752/GPD26  
 Date: Change Use of Class E motor repair garage as Class C3 dwelling.

#### Building Control

Deposit Date: 24.01.1994 Alterations to front elevation  
 Reference: 94/0095/FP

### Application Number: 24/1752/GPD26

Address: 144 Waldegrave Road, Teddington, TW11 8NA

### Proposal

Change Use of motor repair garage (Use Class E) to a 2-bedroom dwelling (Use Class C3).

### Site Description

The property is a single-storey building of brick construction, used as a general motor vehicle repair garage.

The application site is situated along Waldegrave Road, within Teddington Village, Teddington Ward, and is designated as:

- Area of Mixed Use (Waldegrave Road)
- Area Susceptible to Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 75% - SSA Pool ID: 337)
- Critical Drainage Area - Environment Agency (Teddington [Richmond] / Ref: Group8\_006 / )
- Land Use Past Industrial (Motor Engineering Start: 1953 End: 2004)
- Village (Teddington Village)
- Ward (Teddington Ward)

The site has a PTAL of 2 and is in a Controlled Parking Zone (CPZ) 'T1 - North Teddington' Times: Monday to Friday 10am to 4:30pm (Bank and Public holidays free).

### **Relevant Planning History**

**24/0943/FUL** - 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 clay tiled roof - **Granted 14/06/2024.**



Approved Elevations: 24/0943/FUL



Proposed Elevations





Approved Roof Plan: 24/0943/FUL



Proposed Roof Plan

This change of use application under the GDPO does not allow for external alterations to be

carried out to the building.

However, the external alterations submitted under such change of use application have been approved under the application reference: **24/0943/FUL** which is considered to be a material consideration in this instance subject to a pre-occupation condition requiring the external changes to be fully implemented prior to any occupation of the premises, in light of the following Judgments:

The High Court of Justice Judgment: 'Hersch Schneck v (1) Secretary of State for Levelling Up, Housing & Communities (2) West Berkshire District Council' (2022) High Court of Justice, CO/1952/2021. This Judgment states that *"in this context a 'real' prospect is the antithesis of one that is 'merely theoretical' [...]. The basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice' [...]"*. This also states that *"[it] is important...not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the court"*.

The High Court of Justice Judgment (*The King (LW Zenith Limited) v Secretary of State for Levelling Up, Housing and Communities v Hart District Council [2022] EWHC 3317 (Admin)*) which states that *"in my judgment, Mr Clay's submissions are to be preferred. It is clear that had there been no planning permission for the installation of the windows, then the inspector had no power to consider the merits of such installation on the prior approval application. However, there was such permission, and so the merits of that operational development had been considered and found acceptable in planning terms by the authority. The imposition of a condition requiring the entirety of the 2019 permission to be carried out may not have been appropriate, but in my judgment there is nothing in the wording of paragraph W(13) [GDPO] or in the PPG [Use of planning conditions] to prevent the imposition of a negative condition, relating to occupation, as now suggested on behalf of the claimant. The only requirement was that the condition must reasonably relate to the subject matter of the prior approval, and in my judgment such a negative condition clearly does so"*.

The PPG (Use of planning conditions) also highlights that *"when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects"*.

## **Representations**

No. 166 Waldegrave Road objects to the proposal in terms of:

### Loss of a valuable local facility

(Case Officer Comments: this is not a designated Asset of Community Value and there is no requirement for it to be assessed under the GDPO).

### The building is not suitable for conversion to residential

(Case Officer Comments: improvements to the building have already been approved under the application reference: **24/0943/FUL** and further improvements, in the nature of internal alterations not requiring planning permission, could be undertaken to further improve the current building).

Design Concerns/Suitability to the Locality

(Case Officer Comments: this is not a requirement to be assessed under the GDPO).

Poor quality building that “would be extremely difficult to sell or rent and would consequently sit empty for a long time”

(Case Officer Comments: this is not a requirement to be assessed under the GDPO).

**Internal Consultees**

**LBRUT Transport** - Objects to the scheme (comments summarized in the main body of this report).

**LBRUT Contamination** - No objections subject to condition (comments summarized in the main body of this report).

**LBRUT Environmental Health** - No objections (comments summarized in the main body of this report).

**Amendments**

None requested.

**Notes in relation to MA.2 - Local Plan (Regulation 19 version)**

*The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.*

*The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.*

*The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This will be addressed in more detail in the assessment below if/where it is relevant to the application.*

*Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.*



In this regard, the following Policies are considered Material Planning Considerations in this instance:

- Policy 48 Vehicular Parking Standards, Cycle Parking, Servicing and Construction Logistics Management and Policy 7 Waste and the Circular Economy (2a)
- Policy 53 Local Environmental Impacts (2b)
- Policy 8 Flood Risk and Sustainable Drainage (2c)
- Policy 29 Designated Heritage Assets (2e)
- Policy 46 Amenity and Living Conditions (2f)

**Professional Comments**

The 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).

**Class MA**

The scheme is considered to meet the requirements for prior approval to be granted under Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’, this is because:

MA.1.(1) Development is not permitted by Class MA—	Officer’s Comment:
<b>(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.</b>	<b>Complies.</b> A statutory declaration has been provided to this extent confirming such.
<b>(d) if land covered by, or within the curtilage of, the building—</b> (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.
<b>(e) if the building is within-</b> (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.
<b>(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the</b>	N/A.

<p>tenant has been obtained; or</p>	
<p><b>(g)</b> 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>	<p>Not Relevant.</p>
<p><b>(2)</b> The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—  <b>(a)</b> 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>	<p>Complies.</p> <p>See above MA.1.(1)(b).</p>
<p><b>(b)</b> on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	<p>Complies.</p> <p>See above MA.1.(1)(b).</p>

**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:**

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

Policy LP 45 of the Local Plan (2018) states that *“the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car-based travel including on the operation of the road network and local environment, and ensuring making the best use of land”*.

It is noted that one parking space would be provided in the forecourt of the premises.

The applicant proposes to keep the existing access on the eastern side of Waldegrave Road (A-Classified Road).

The forecourt has been used for parking vehicle with no-known issues and the London Plan requires for the proposal 1No. parking space. In this regard, such proposal is therefore acceptable.

The applicant needs to provide a secure cycle parking store with capacity of two bikes in accordance with the London Plan (2021) Table 10.2 - Minimum cycle parking standards. Also, it needs to be design according to London Cycle Design Standards. No details have been provided to this extent that will be requested by a reasonable and necessary planning condition.

Insufficient details have been provided to ascertain if the proposal would comply with the requirements set out in our SPD (2022) on *Refuse and Recycling: Storage and Access Requirements for New Developments*. This lack will be addressed by a reasonable and necessary planning condition

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

Policy LP 10 of the Local Plan (2018) 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 development 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”*.

The Consultee found the proposal of this application to be acceptable subject to the below condition:

#### Land Contamination

a) *No development shall occur until:*

*i) a preliminary risk-assessment shall be submitted to and approved in writing by the local planning authority.*

*ii) a site-investigation has been conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.*

*iii) a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.*

b) *Prior to first occupation:*

*The remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.*

*REASON: To protect future users of the site and the environment.*

No reasons have been found to departure from the expert knowledge of the Consultee and therefore the above is supported and the planning condition recommended to be applied.

#### 2c Flooding risks to the building

Policy LP 21 of the Local Plan (2018) covers Flood Risk and states that all development should avoid contributing to all sources of flooding. The policy also states that there are no land use restrictions for development within Flood Zone 1. The application site falls within Flood Zone 1 and as such no objections are raised to the proposal on grounds of flooding.

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

The area immediately surrounding the application site is mixed in nature, formed by residential and commercial properties. In doing so, adverse impacts in terms of noise are not anticipated.

2e 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 application site is not located in a conservation area.

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

Policy LP 8 of the Local Plan (2018) requires all development to “*protect the amenity and living conditions for the occupants of new, existing, adjoining and neighbouring properties*”. The policy also seeks to “*ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure*”.

The submitted Daylight & Sunlight Report has been produced following the approved drawings of the application reference: **24/0943/FUL**, that, as stated above, is a material planning consideration. This Reports states as follows:

*“All four of the habitable rooms assessed within the proposed new dwelling comfortably meet the BRE guidance for daylight provision. While overall the newly formed dwelling will meet the BRE guidance for sunlight provision. Therefore, in our opinion, the development achieves an effective and balanced level of daylight provision, complying fully with the planning guidance for daylight and sunlight provision to new dwellings”.*

2g 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 or 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 immediate area.

2h 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

Not relevant.

### **Conclusion**

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

### **Recommendation**

Approve subject to conditions and informatives.

### **Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - **YES**

**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): GAP Dated: 27/08/2024

**I agree the recommendation: CTA**

Head of Development Management

Dated: .....02/09/2024.....

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: .....

Dated: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

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<b>CONDITIONS</b>
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**INFORMATIVES**

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