



**TOWN & COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 AS AMENDED
SCHEDULE 2, PART 3, CLASS G**

**CHANGE OF USE FROM CLASS E
(COMMERCIAL BUSINESS AND
SERVICE USES) TO MIXED USE OF
CLASS E (COMMERCIAL BUSINESS
AND SERVICE USES) AND C3
RESIDENTIAL (2 FLATS)**

**100 HIGH STREET
WHITTON
TWICKENHAM
TW2 7LN**

**STATEMENT IN SUPPORT OF
APPLICATION MADE UNDER
PARAGRAPH W OF THE ORDER**

SEPTEMBER 2024

1.0 **Introduction**

- 1.1 This Statement accompanies an application for prior approval under Class G to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (GPDO) for change of use from Class E commercial business and service uses to mixed use comprising Class E commercial business and service uses and Class C3 residential (2 flats) at 100 High Street, Whitton, Twickenham TW2 7LN.
- 1.2 The application relates to a former Boots shop (Class E) situated on the west side of High Street. The building comprises three storeys (ground, first and second floors).
- 1.3 The proposal is for the change of use of the first and second floors to provide 2 flats. The proposed change of use is considered “permitted development” under Class G to Part 3 (changes of use) of Schedule 2 of the GPDO.
- 1.4 The application is submitted in accordance with Paragraph W to Part 3 of Schedule 2 of the GPDO which sets out the procedures for applications for prior approval under Part 3. This requires a developer to make an application to the LPA for determination as to whether the prior approval of the authority will be required. Paragraph W(2) to the GDPO states that an application must be accompanied by:
- (a) A written description of the proposed development;
 - (b) A plan indicating the site and showing the proposed development;
 - (ba) In relation to Classes G, M, MA, N, O, P, PA or Q – a statement specifying the net increase in dwellinghouses;
 - (bc) In relation to Classes G, M, MA, N, O, P, PA or Q - 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 the windows, doors and walls, and the elevations of the dwellinghouses;
 - (c) The developer’s contact address;

- (d) The developer's email address if the developer is content to receive communications electronically;
- (e) Where sub paragraph 6 of Paragraph W requires the Environment Agency to be consulted, a site-specific flood risk assessment;

together with any fee required to be paid.

- 1.5 This information is set out in the covering letter accompanying the application.
- 1.6 Development under Class G is permitted subject to the condition that before commencing the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required in relation to various potential impacts. This statement demonstrates how the proposal meets the requirements of paragraph G.1 of the GPDO in relation to contamination risks, flooding risks, 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 houses, and arrangements required for the storage of domestic waste.
- 1.7 The property is a single planning unit and appears to have been used as a retail shop with ancillary uses (storage etc.) on the upper floors for many decades. The property benefits from Part 3 change of use permitted development rights. There are no historic planning conditions or legal agreements which have removed permitted development rights. The Council has not made any Article 4 Direction removing Class G rights in respect of the property.

2.0 **Requirements of Paragraph G.1 to the 2015 Order**

- 2.1 Paragraph G.1 of the GPDO states that development is permitted by Class G where –

(a) Some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class E or a betting office or pay day loan shop, as the case may be, is situated on a floor below the lowest part of the building used as a flat

2.2 The proposals involve the conversion of the first and second floors to two flats. Other than a shared circulation area providing a means of access via the rear stairs to the first floor, no residential use is proposed on the ground floor. The floor below the lowest part of the building used as a flat will therefore remain in Class E commercial business and service use.

(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

2.3 The building includes a display window and the ground floor is not proposed to be used in whole or in part as a flat.

(c) A flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence) –

(i) **by a single person or by people living together as a family,**
or

(ii) **by not more than six residents living together as a single household (including a household where care is provided for residents)**

2.4 The proposal is for 1 x 2 bed and 1 x 1 bed flat. These would be occupied by people living together as a single household and would therefore comply with paragraph G.1(c).

(d) Before beginning development the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to:

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

2.5 Paragraph W 10(c)(i) of the GPDO requires the LPA to determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 having regard to the Contaminated Land Statutory Guidance issued by the Secretary of State in April 2012. Part 2A of

the Environmental Protection Act 1990 Section 78A(2) defines contaminated land as land in such a condition that (a) significant harm is being caused or there is a significant possibility of such harm being caused, or (b) significant pollution of control waters is being, or is likely to be, caused.

- 2.6 The landowner is unaware of any contamination issues on the site. It is not considered that as a result of the proposed change of use the site will be contaminated land as defined by Part 2A of the 1990 Act.
- 2.7 The application for prior approval relates to change of use of the first and floors only and does not include any external works. Consequently, as the application site comprises a building and hardstanding only and no ground works or excavation is proposed there are no receptors that could result in risk of contamination to future occupiers.

(ii) flooding risks in relation to the building

- 2.8 Paragraph W(6) of the GPDO requires the LPA to consult the Environment Agency where the development is –
- (a) in an area within Flood Zone 2 or Flood Zone 3; or
 - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the LPA by the Environment Agency for the purposes of paragraph (zc)(ii) in the Table in Schedule 5 to the Town & Country Planning (Development Management Procedure) (England) Order 2015.
- 2.9 The EA Flood Map shows the site lies within Flood Zone 1 (low risk). The site is at 'very low' risk (the lowest category) of risk from surface water flooding according to the EA Flood Map.
- 2.10 We understand the site does not lie within a critical drainage area identified by the EA. The site does not lie within an area liable to flood as identified in the LB Richmond Strategic Flood Risk Assessment.

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

- 2.11 It is not considered there would be unacceptable impacts of noise from commercial premises on the intended occupiers of the development. The GPDO defines “commercial premises” for the purposes of this part of the Order as “normally used for a commercial or industrial undertaking which existed on the date of the application including licensed premises”.
- 2.12 There are no surrounding commercial uses or activities which are considered likely to cause a significant noise impact on the proposed residential use. The surrounding uses are mainly retail shops, some with residential uses on upper floors. The premises are of solid masonry brick construction with sash windows and will provide suitable sound insulation for residential purposes from any potential noise from neighbouring commercial premises.

(iv) the provision of adequate natural light in all habitable rooms of the dwelling houses

- 2.13 The PDR legislation requires information to be submitted to show the ‘*provision of adequate natural light*’ to all habitable rooms within the proposed residential accommodation. The GPDO definition excludes bathrooms and WCs, corridors, hallways and utility/service rooms.
- 2.14 The proposed drawing RSD2540-100 includes internal dimensions for each of the habitable rooms and dimensions of all windows to provide the necessary information to enable the LPA to assess the matter as required by the legislation.
- 2.15 The premises have large areas of glazing particularly to the front (High Street) elevation. These are large windows with heights ranging between 1650mm and 1725mm which good natural light to each habitable room. The floor plans show the living/kitchen/dining areas at the front of the building benefitting from these large windows and bedrooms to the rear so that all rooms will benefit from natural light from the full glazed windows. On this basis all habitable rooms will receive adequate natural light commensurate to the use of each of the rooms.

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

2.16 The proposed ground floor plan shows a bin storage area of a suitable capacity to provide both waste and recycling bins for the 2 flats (2 x 240L bins per flat) provided within the yard to the rear of the building near to the accesses to the flats. Bin collection will be from Britannia Lane to the rear which already has domestic bins relating to other neighbouring dwellings which are collected by the Council.

3.0 **Conclusion**

3.1 The application seeks prior approval for change of use from Class E commercial business and service uses to mixed use of Class E commercial business and service and Class C3 (dwellinghouses) for 2 flats.

3.2 The proposal meets the requirements and thresholds of paragraph G.1 of the GPDO. The proposal will not result in any unacceptable contamination risks, flooding risks or impact of noise from commercial premises on the intended occupiers of the development. The proposals will provide adequate natural light in all habitable rooms and will make suitable provision for storage of waste and recycling bins. The proposals therefore meet the conditions in paragraph G.1 of the GPDO.

3.3 The floor plans also show that the flats would meet the nationally described space standards in relation to the overall unit sizes and bedroom sizes and widths and storage provision and therefore complies with the requirement of paragraph 3.(9A) to the Order.

3.4 It is therefore considered that the proposal is permitted development under Class G of the GPDO 2015 as amended and prior approval should be granted.

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22 September 2024