

1st October 2024
Our Ref: 23.5096

120 Bermondsey Street
London
SE1 3TX

T 0203 268 2018

London Borough of Richmond upon Thames
Civic Centre,
44 York Street
Twickenham
TW1 3BZ

Dear Sir / Madam,

Re: Notification of Prior Approval for Change of Use from Office (Class E) to Residential (Class C3) at 8 Second Cross Road Twickenham, TW2 5RF.

On behalf of our client, Mandarin Grange Investments, we enclose a submission seeking Prior Approval for the change of use of a Class E office building, as confirmed by Certificate of Lawfulness (ref. 24/0476/ES191), to 3 no. residential apartments (Class C3) under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

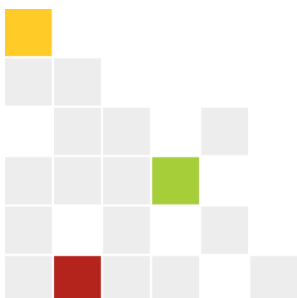
This letter considers the criteria set out under Class MA of the GDPO and outlines the relevant assessments required for Prior Approval. The application is supported by the following information and supporting documentation:

- (a) *Application forms;*
- (b) *A full set of drawings, including a site location plan (prepared by PML Architecture);*
- (c) *Daylight and Sunlight Assessment (prepared by NRG Consulting);*
- (d) *Transport Statement (prepared by Paul Basham Associates);*
- (e) *Noise Impact Assessment (prepared by NRG Consulting);*
- (f) *Flood Risk Assessment (by Floodplan);*
- (g) *Flood Evacuation Plan (by Mandarin Grange);*
- (h) *Phase 1 Geo-Environmental Report (prepared by Dice Environmental); and*
- (i) *Planning Fire Safety Statement (prepared by PML Architecture).*

The Application Site

The Site comprises a two-storey office building (Class E(g)) located on the south side of Second Cross Road. The Site comprises individual units which are leased out as offices to companies operating within commercial and business uses under Class E. To the front of the Site is a forecourt with parking and bin storage.

The surrounding area to the north, east and west is predominantly residential in character. Adjoining the Site to the south is a two-storey residential dwelling and further south is 'ATS Euromaster Tyres' shop. Second Cross Road comprises a mix of (semi)detached and terraced residential dwellings with both on-site and street parking.



The Site is not located within a conservation area, nor does the Site contain any statutorily or locally listed buildings. The Site is located within Flood Zone 1, which carries the lowest risk of flooding and has a public transport accessibility score of 3 (PTAL).

Planning History

A review of the London Borough of Richmond's (LBR) online planning records has been undertaken to establish the planning history for the site. The most relevant planning applications are outlined below.

Reference	Description	Decision
24/0476/ES191	The application seeks confirmation that the property lawfully falls within Use Class E on the basis that it has been in continued Class E use for over ten years. Please see accompanying cover letter for more details.	Granted Permission 18/04/2024
88/2777	Roof extension to provide further office accommodation for light industrial premises. (Amended Plan No.(s) 88/001/01A and 02A received on 17th January 1989).	Refused Permission 24/01/1989

Most recently, a Certificate of Lawfulness application was submitted to confirm that the lawful use of the property falls within Class E which was approved in April earlier this year. As such, the property has been in lawful Class E use for over ten years, and therefore, should benefit from Class MA.

Proposed Development

The Class MA prior approval application seeks the change of use of the property at the Site from office (Class E(g)) to residential (Class C3).

It is proposed to convert the two-storey property into 3no. self-contained residential units. The proposed unit mix is as follows: 2no. 2-bedroom units and 1no. 1-bedroom unit. Each unit will exceed the Nationally Described Space Standards to ensure future occupiers enjoy a good standard of living. No external changes are proposed. The proposals are set out in detail within the accompanying set of drawings prepared by PML Architecture.

In terms of accessibility, there are 2no. existing pedestrian access points to the front of the property and 5no. parking spaces in the forecourt of the property which will be retained. There is also existing bin storage within the forecourt of the building which will be retained.

Compliance

Paragraph MA.1 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 sets out the criteria for which development is not permitted under Class MA. The Applicant has sought to respond to each criterion to demonstrate the eligibility of the proposals under Class MA.

(b) Unless the use of the building fell within one or more of the classes specified in sub paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.

The planning history (application ref. 24/0476/ES91) on the Site confirms that the lawful use of the building is office (Class E(g)).

(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; Page 4 of 6

(iv) Is or forms part of a safety hazard area; or

(v) Is or forms part of a military explosives storage area.

No land covered by, or within, the curtilage of the building forms part of the land types specified in criteria (i) – (v) above.

(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.

The building is not within any of the areas specified in criteria (i) –(v) above.

(f) If the site is occupied under agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

The site is not occupied under agricultural tenancy.

(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.

The application is submitted after August 2022 and there are no Article 4 Directions of relevance.

In summary, the building has been in office use (Class E) for over 10 years as confirmed by Certificate of Lawfulness (ref. 24/0476/ES191), and none of the above restrictions apply to the subject building. Therefore, this change of use is permitted under Class MA of the GDPO.

As such, the development is compliant with the necessary requirements for development permitted by Class MA – commercial, business and service uses to dwelling houses.

Paragraph MA.2 – Conditions

As per Paragraph MA.2, development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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—

(a) transport impacts of the development, particularly to ensure safe site access;

A Transport Statement has been prepared by Paul Basham Associates in support of this prior approval application. The assessment demonstrates that the proposals have been formulated in accordance with both local and national policy.

The Site has a public transport accessibility score of 3, however, as set out in the transport note, it is evident that the site is located in a highly sustainable and accessible location, with two bus stops providing frequent services within 160m of the Site.

In terms of parking, the existing arrangement will be retained and cycle parking will be provided at high level within the curtilage of each residential unit in compliance with existing policy.

The assessment has found that the proposed development will result in 6 fewer trips in the AM peak, 2 fewer trips in the PM peak and 28 fewer trips across the day when compared to the existing office use. As such, the proposals will result in a betterment to the operation of the local road network when compared to the existing office use.

The assessment concludes that the traffic impacts of the proposed development comprising the change of use of the property from office to 3no. residential units will result in overall improvements along Second Cross Road and the immediate surrounding area of the Site, and that the proposed development should not be refused on traffic and highways grounds.

It is therefore concluded that the proposal is acceptable with regards to access and transport impacts.

(b) contamination risks in relation to the building;

The existing office building has been in-situ for a prolonged period of time and the proposals seek to retain the existing building. No demolition works are proposed.

A Phase 1 Geo-Environmental Report has been prepared by Dice Environmental in support of this application. Based on the proposed conversion to residential development, the report concludes that the risks of contamination on site to future users and controlled waters is low. In addition, as the works comprise internal alterations only, no further action is required.

(c) flooding risks in relation to the building;

The Site is located within Flood Zone 1 which carries the lowest risk of flooding. This is confirmed by the EA's Flood Risk Map, a copy of which is submitted with the application.

In addition to this, a Flood Risk Assessment has been prepared by Floodplan Ltd and is submitted alongside this application. The assessment highlights that the Site has a moderate to high risk of groundwater flooding, however no historic flooding records have been identified, and the overall Flood Risk has been identified as "Low-Moderate". The proposed development comprises the change of use to residential through internal alterations only, with no surface water displacement and no impact to third parties. The 'Groundsure' flood report and EA flood maps further suggest the change of use to residential as suitable as also concluded by the report. The site is located within a predominantly residential area, and it is considered that any flooding risks to the Site are not significant enough to prevent this change of use. A Flood Evacuation Plan has also been submitted for completeness.

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

An Acoustic Review has been undertaken by NRG Consulting in support of this prior approval application. The review identifies the nearest commercial building in noise terms affecting the Site to most likely be the Prince Albert Pub on Hampton Road, which is sufficiently far away from the Site so as not to have any noise impact upon the residential units. As such, it is considered that neither plant noise or environmental noise would impact residents at 8 Second Cross Road.

In light of the above, the proposed development is considered acceptable with regards to noise impacts.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The Site does not fall within a Conservation Area and so neither of the above criteria apply.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

An Internal Daylight Assessment has been prepared by NRG Consulting in support of this prior approval application. As confirmed in the assessment, all proposed rooms will receive adequate daylight and sunlight in line with BRE guidance; the analysis clearly sets out that daylight levels within the proposed habitable rooms are adequate and surpass the target criteria.

Therefore, it is considered that the proposed development is acceptable with regards to daylight and sunlight.

(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 or heavy industry, waste management, storage and distribution, or a mix of such uses; and

The building is not located in an area that is considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The surrounding area is predominantly residential and an 'unsuitable for HGV's' sign is present at the Second Cross Road access on account of the narrow and residential nature of the road.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2) the impact on the local provision of the type of services lost.

The development does not involve the loss of either a registered nursery or health centre.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

This application has been made after the 1st of August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access".

The existing access arrangement will be kept ensuring safe site access.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

Development will be completed within a period of 3 years from the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse."

All units permitted under this prior approval application will only be in use as self-contained dwellinghouses in accordance with Class C3 of the Schedule of the Use Class Order.

Fire Safety

The proposed change of use relates to a two storey property only and therefore, a Fire Safety Note is not required. Nonetheless, a Planning Fire Safety Statement has been prepared by PML Architecture and submitted alongside this application for completeness. This Statement confirms that the building will meet the relevant requirements of Part B of the Building Regulations and as such, it is considered the proposed development is acceptable with regards to fire safety impacts.

Summary

Overall, the development is in full compliance with all the conditions outlined with Paragraph MA.2 of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024.

Conclusion

The proposal enclosed is a notification for prior approval for the change of use of the existing office space (Class E(g)) to residential accommodation (Class C3) under Class MA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024.

It has been demonstrated that the existing and historic use of the site is as office units (Class E(g)) and as such the building can benefit from Class MA to change to residential (Class C3) use. This change of use relates to both the entirety of the property at the Site and seeks to deliver 3no. residential units.

The letter and supporting information confirm the acceptability of development under Class MA of the General Permitted Development Order. The Site meets the qualifying criteria required by Class MA, the relevant conditions have been addressed and relevant information has been provided where necessary. As such, Prior Approval should be granted without delay.

Please do not hesitate to get in touch if you have any questions or require any further information.

Yours sincerely

Zoe Curran

Zoe Curran
Senior Planner

Tel: 07704546601

Email: zoecurran@boyerplanning.co.uk