

Class MA Prior Notification Planning Statement

83 Station Road
Hampton
TW12 2BJ

Our Ref: 2221
Date: October 2024



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1.0 Introduction and Background

Introduction

- 1.1 This planning statement is submitted in support of a Class MA Prior Approval application for the proposed change of use of the ground floor from Commercial, Business and Service use (Class E) to two residential one-bedroom flats (Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.2 This submission will address the relevant criteria under Class MA, including transport and highways impacts, contamination risks, flooding risks, and noise from commercial premises. It will also demonstrate how the proposed development aligns with the local planning policy framework and contributes positively to the supply of much-needed housing within the area, while maintaining the character of the existing building and surrounding environment.
- 1.3 This statement forms part of the suite of documents submitted with the prior approval application, which also includes the following:
 - Site Location Plan
 - Existing and proposed drawings
 - Transport Statement
 - Fire Strategy
 - Flood Risk Assessment
 - Completed Prior Approval Application Form
 - Completed Community Infrastructure Levy Form, and
 - Planning Statement

Background

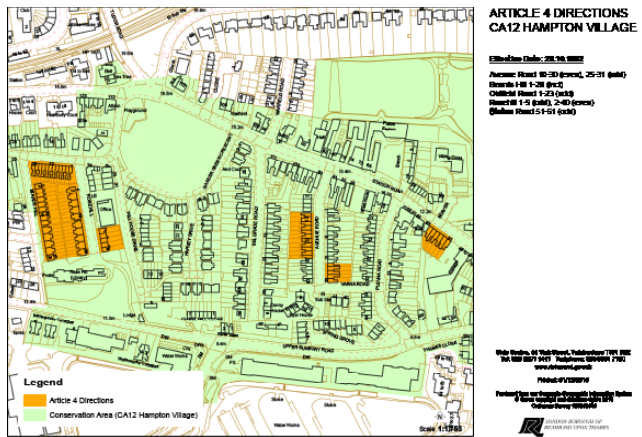
- 1.4 Class MA was introduced as part of amendments to the GPDO on 1st August 2021 to facilitate the conversion of underutilized commercial spaces into residential units, addressing the growing demand for housing while revitalizing vacant or surplus commercial properties. Class MA allows for a change of use from Class E (which includes shops, offices, restaurants, gyms, and other commercial uses) to Class C3 (dwellings) without the need for full planning permission, provided certain conditions and limitations are met.
- 1.5 The introduction of Class E in September 2020 merged several former use classes (such as A1 for retail and B1 for offices) into a single category, allowing greater flexibility for property owners to adapt to changing market conditions. Class MA builds on this by offering an efficient pathway to convert Class E properties into residential accommodation, subject to a prior approval process which considers specific matters.
- 1.6 This Planning Statement looks to demonstrate compliance with these specific matters.

2.0 The Site and its Surroundings

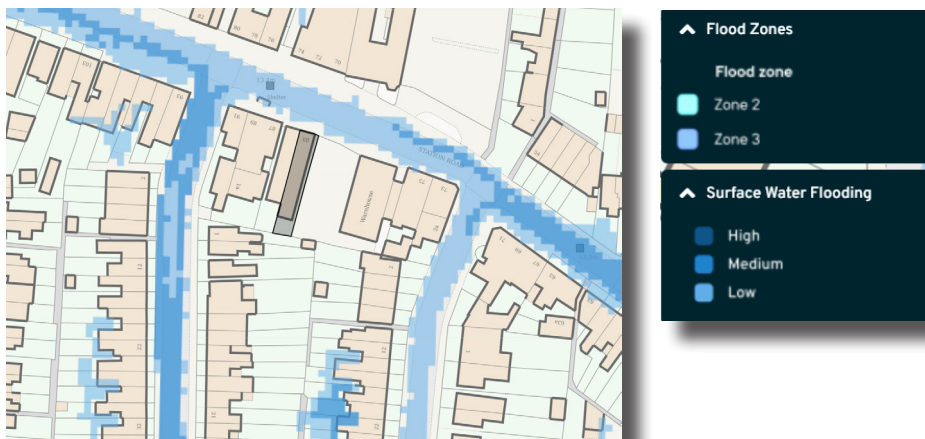
- 2.1 The site is located in the London Borough of Richmond Upon Thames and is situated along Station Road, a key local road that connects Hampton Railway Station to the river frontage to the south east, with wider connections towards Bushy Park and Hampton Court Palace.
- 2.2 The site is located in a highly sustainable location along a main road. Hampton Railway Station which is on the Shepperton Branch Line and serves connections into London, is located 0.3 miles away, or a 6 minute walk. The 216 bus route also passes through the area, with several stops located along Station Road, one right outside the site.

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- 2.3 Station Road comprises a mix of late 19th century mixed residential and commercial properties with a linear form which leads to the railway station. It is an attractive tree lined street with a strong village character. The surrounding built environment is comprised of different properties of differing scales varying from terraced houses to small rise office blocks.
- 2.4 The site sits within an Area of Mixed Use boundary as well as the Hampton Village Conservation Area 12, shown below. The conservation area is very much defined by its position on the Thames and the boundaries formed by the Thames Water Treatment Works and Bushy Park.



- 2.5 This application relates to the ground floor of one half (No.83 Station Road) of a subdivided building from the early 20th Century.
- 2.6 Station Road borders the site to the north, and to the south is the residential garden of No.1 Avenue Road. To the west are the adjoining properties 85 and 85A Station Road. The other side of which sits a ground floor restaurant with residential accommodation on the first floor. To the east of the site is a shared car park which serves the Hampton Bathrooms Showroom and Shop.
- 2.7 The site is currently owned by a bathroom and plumbing company, Hampton Bathrooms. The site is one of two showrooms owned by the company. In addition to this, there is also an in-store trade shop, located to the east of the site at No.77-81 Station Road, neighbouring the shared car park.
- 2.8 The site is located in Flood Zone 1 and is not impacted by surface water flooding. With regard to other flood risks, according to the available online government data, flooding from groundwater is unlikely in this area.



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Photographs of the Site



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3.0 Planning History

3.1 There is extensive planning history for the site and surrounding plots, the relevant of which are summarised in the table below.

Reference	Address	Description	Decision
98/2157	85 Station Road	Change Of Use Of Front Part Of Ground Floor From Retail To Residential As An Extension To The Existing Residential Unit. Associated Alterations To Front Elevation.	Approved 05/11/1998
00/0308	85 Station Road	Internal Alterations And Conversion Of Property Into Two Flats.	Approved 13/04/2000
16/1537/FUL	85 Station Road	Convert the house into two family dwellings.	Approved 15/03/2017
03/1455/HOT	83-85 Station Road	Erection Of Two Storey Rear Extension To Number 83 Incorporating An Additional One Bedroom Flat And First Floor Rear Extension To Number 85	Approved 17/07/2003
13/4723/FUL	83 Station Road	Single storey rear extension to shop.	Approved 07/04/2014
24/0260/FUL	83 Station Road	The change of use of the ground floor and alterations to create two x 1-bedroom flats.	Refused 09/09/2024

3.2 In 1976, the first floor of No.83 Station Road was utilised as a self contained flat while the ground floor continued operation as Old Use Class A1 (Shop). In 2003, planning permission was granted for the two storey rear extension to No.83 which allowed for an additional self-contained one-bedroom flat on the first floor. Further to this, in 2014, permission was granted for a further single-storey rear extension providing additional space for the ground floor shop.

3.3 In 1998, the neighbouring property No.85 Station Road was granted permission for the change of use from retail to residential to create a 5-bedroom dwelling. Further permission was granted in 2017 for the conversion of this property into 1x 2-bderoom house and 1x 3-bedroom house.

3.4 Most relevant to this Prior Notification Application is application 24/0260/FUL submitted on 1st February 2024 and refused on 9th September 2024 for the following reasons:

1) In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, the scheme fails to address the recognised housing need and will be contrary to, in particular, to Local Plan Policy LP36, Supplementary Planning Document on Affordable Housing (2014) and the National Planning Policy Framework.

2) The scheme would result in a permanent loss of employment-generating floorspace in an Area of Mixed Use and Local Centre. In the absence of a full and proper marketing exercise to demonstrate a lack of demand for this unit and use, the scheme would be contrary to Policies LP25 and LP40 of the Local Plan (2018) and Policies 18, 21 and 22 of the new Publication Version Local Plan (Reg.19).

3.5 The scheme which was proposed under application 24/0260/FUL would have largely complied with the criteria and conditions set out under Class MA of the GDPO however at the time of submission there was a requirement for the application site to have been vacant for at least three months before the date of application. Due to this caveat, permitted development was not a viable option at this stage.

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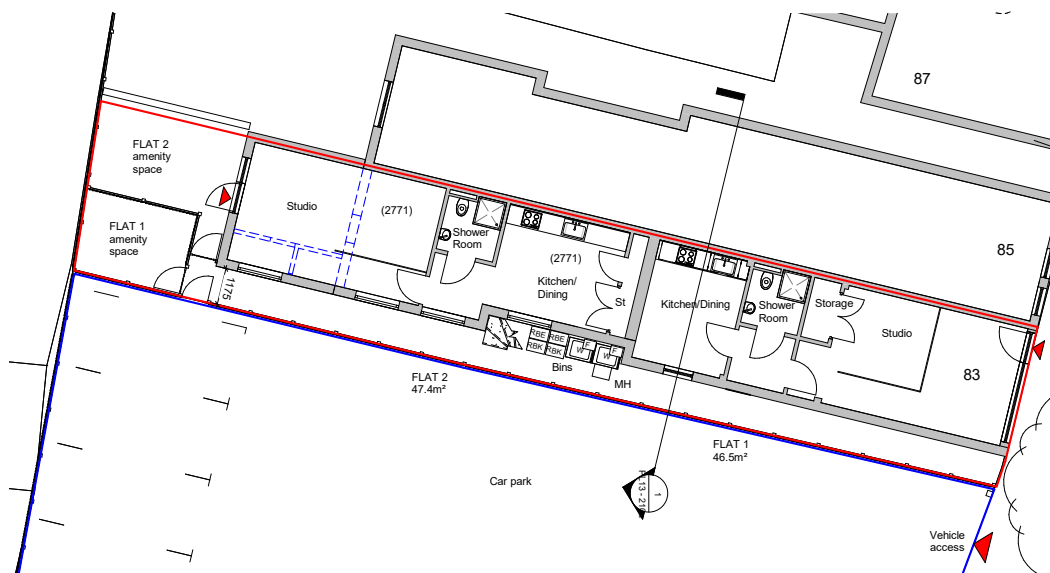
3.6 On the 5th March 2024 amendments to the GDPO came into force which removed this requirement. The 1,500 sqm maximum floorspace limit was also omitted. These changes now make Class MA a feasible option for the applicant.

4.0 Proposed Development

4.1 The application is to determine whether Prior Approval is required for the “Change of use of the ground floor unit from Use Class E Retail to Use class C3 dwelling houses”.

4.2 The proposal seeks to convert the existing Use Class E ground floor unit to create 2 x 1-bedroom flats. It proposes the conversion of the current Hampton Bathrooms Showroom into 2 self-contained flats with a subdivide in the centre of the building, with access for the flats to the side of the building.

4.3 The proposed works comprise of the subdivision of the internal space and other internal alterations including the installation of appliances relating to the proposed residential use.



4.4 The materials and traditional architectural features of the building, characteristic of the area, will be maintained and there will be no adverse impact upon neighbouring amenity.

4.5 As previously mentioned, the street scene along Station Road is of mixed use in character and there are several examples of residential properties fronting onto Station Road, including the adjoining premises. As such, the proposal will not detract from the character of the area.

4.6 The site is currently used as a showroom space for Hampton Bathrooms, who also own the neighbouring building at No.77-81 Station Road. It is proposed that the current showroom be moved into this neighbouring space so this use may be maintained.

4.7 The borough is characterised by large areas of protected open land and constraints such as flood risk, and the remaining area is built up, much of it being within designated Conservation Areas. Consequently, the availability of substantial housing sites is limited, and there is pressure on land for other essential uses including schools and employment to support the achievement of sustainable communities.

4.8 This site provides the opportunity to maximise the use of urban land, through the provision of much needed housing in a highly sustainable area which is encouraged by the council.

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5.0 Relevant Policy and Legislation

5.1 The relevant legislation against which this application is submitted is the Town and Country Planning (General Permitted Development etc.) (England) (Amendment Order 2021).

5.2 This order introduces the following Change of Use as Permitted Development:

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwelling houses) of Schedule 1 to that Order.

Under the provisions of the Order (MA.1.), development is not permitted by Class MA;

~~a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;~~

Since 5th March 2024 this is no longer a consideration and has been removed from the legislation

~~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 – the lawful use of the unit is shop/shopfront within Class E

~~c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;~~

Since 5th March 2024 this is no longer a consideration and has been removed from the legislation.

~~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 – the land does not fall within any of these categories.

~~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(3);
iii. the Broads;
iv. a National Park; or
v. a World Heritage Site;~~

Complies – the building is not under any of these designations

~~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~~

Complies – the site is not occupied under an 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~~

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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.

Since August 2022 this is no longer relevant

5.3 If the proposal site meets the eligibility criteria, Class MA is subject to several conditions, and the applicant must seek a determination from the Local Planning Authority on whether prior approval is required. The proposal will be assessed against these conditions in the following section.

6.0 Planning Assessment

6.1 As described in the previous section, the proposal site qualifies as benefiting from permitted development under Class MA subject to a number of conditions.

6.2 Development under Class MA is permitted subject to the following conditions (MA.2.)

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

6.3 The site is in a highly sustainable location, within easy walking distance of numerous shops and services. Bus stops serving a wide area are located adjacent to the site, with Hampton Railway Station just 0.5km away, approximately a 6-minute walk. The station offers direct services into Central London and broader connections along the Shepperton Line.

6.4 The accompanying Transport Statement provides further details on the development's transport impacts, demonstrating that the site is well-served by various modes of transport. This accessibility will reduce reliance on private vehicles and encourage active travel. As such, the proposals are fully in line with the key principles of the National Planning Policy Framework (NPPF).

6.5 Further, no objection was raised by the LBRuT Transport Officer when consulting on application 24/0260/FUL.

6.6 Overall, the transport impacts are expected to be minimal, and may even be less than the current commercial use. Additionally, future occupants will benefit from access to cycle parking, proposed in the rear garden of the units.

(b) contamination risks in relation to the building;

6.7 Contaminated land as described in Part 2A of the Environmental Protection Act 1990 is any land where it appears that substances in, on or under it is likely to cause significant harm or where there is a significant possibility of such harm being caused; or where pollution of controlled waters is being or is likely to be caused.

6.8 Examples of contaminated land could include where the land use has related to:

- Heavy metals, such as arsenic, cadmium and lead
- Oils and tars
- Chemical substances and preparations, like solvents
- Gases
- Asbestos
- Radioactive substances

6.9 The planning history for the site would not indicate the presence of contamination.

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(c) flooding risks in relation to the building:

- 6.10 A Flood Risk Assessment has been submitted in support of this application. Given the low risk of flooding on site and that the proposal does not increase any footprint it is not considered that the scheme would result in harm which would warrant a reason for refusal.
- 6.11 Further information is provided within supporting document 241794-FRA-AG-KBL-01(July 2024).

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

- 6.12 The application site is situated in a mixed-use area, with both commercial and residential properties in the vicinity. Key commercial units in the immediate context include a beauty salon, massage parlour, restaurant, real estate agency, and dry cleaners. These uses are not expected to generate unacceptable noise levels, and as such, it is not anticipated that noise from these premises will have a negative impact on future occupants of the site.
- 6.13 Additionally, there are existing residential properties located directly to the south and west of the site.
- 6.14 A noise assessment has not been submitted with the application, as the primary noise source in the area is traffic-related. The Applicant wishes to clarify that, under the GPDO, traffic noise is not classified as commercial noise.

(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:

- 6.15 On this point, it is worth referencing comments made by the LBRuT Urban Design Officer when consulted on the previous application 24/0260/FUL.
- 6.16 It was stated that:
- The loss of a retail unit and shopfront is regrettable in design terms but it is considered that the proposed alterations to the front façade would, on balance, have a neutral impact on the character and appearance of the area as they would present as similar to no.85. Design revisions are recommended to relocate the entrance to the front flat to the front of the building to maintain an active frontage alongside that at no.85. New doors and window should be timber. This application is broadly in accordance with policies LP1 and LP3 and also conforms to paragraph 205 of the NPPF (2023). Design revisions are recommended to ensure full policy compliance.*
- 6.17 In the previous application, it was concluded that the proposed amendments to the front façade and the change of use would have a neutral effect on the character and appearance of the dwelling.
- 6.18 Since then, the current proposal has been revised to omit all external alterations and operational development, in line with Class MA of the GDPO. The shopfront design and fascia panel will be retained, although the loss of Class E use will have some impact on the character of the retained shopfront.
- 6.19 Given that the previous application was assessed as having a neutral impact on the character and appearance of the area, this revised scheme—without any external changes—represents a material improvement in comparison.
- 6.20 Therefore, it is considered that the proposed development will have a negligible impact on the conservation area and will not materially affect its character or sustainability.

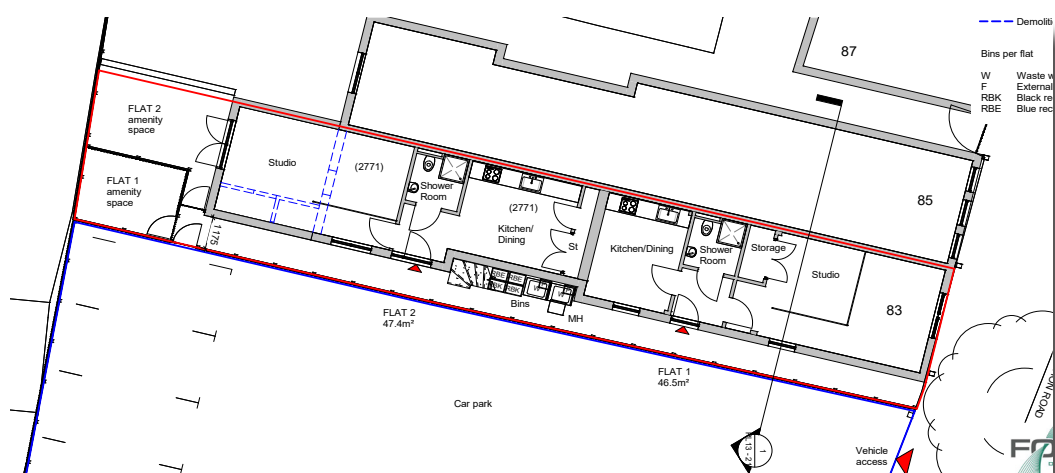
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(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

- 6.21 The internal layout of the proposed development ensures that each habitable room is provided with at least one large window or door.
- 6.22 Flat 1, located at the front of the site, will benefit from the large shopfront window. While the lower section of this window will be obscured for privacy, it will still allow ample light to enter. The top portion, which will have clear glazing, will further enhance the natural light within the unit. Additionally, Flat 1 will have a side window to the rear of the unit offering an extra source of light.
- 6.23 Flat 2 will benefit from the existing door and window at the rear, along with four existing horizontal slit windows on the side elevation.



- 6.24 Due to the open plan nature of these regular-shaped units, it is considered that all habitable rooms will have ample access to natural light.
- 6.25 This design is consistent with several properties of a similar style along Station Road, particularly the neighbouring No. 85. Moreover, there are no specific site conditions that would significantly impact the sunlight and daylight available to No. 83 Station Road. Therefore, all habitable rooms in the proposed development are considered to have adequate access to natural light.
- 6.26 The applicant is also open to the council conditioning the insertion of additional windows on the side elevation, if deemed necessary, as per the previously approved plans shown below.



(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; F4...

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6.27 The proposal site is not within such an area and as such this is not a relevant consideration.

(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, the impact on the local provision of the type of services lost

6.28 Again, this is not a relevant consideration for this proposal as it does not involve the loss of a nursery or health centre.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

6.29 The property is not over 18m or 6 storeys in height and therefore there would not be a requirement for a Fire Statement at planning stage. Nevertheless, we have submitted a statement in support of this prior notification application. This fire strategy was considered acceptable as stated within the officers report for the previous planning application 24/0260/FUL.

Space Standards

6.30 Schedule 1 part 3 paragraph 9A of the GDPO States that all new dwellings must comply with the nationally described space standards.

6.31 Policy LP 35(b) of the Richmond Local Plan states that all new housing development, including conversions, are required to comply with the Nationally Described Space Standards as shown below on the left.

6.32 The LBRuT Residential Development Standards SPD also sets out local internal space and layout standards and is shown below on the right.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Flat unit type	Net internal floor area*	Kitchen/Dining/Living area
Studio (1p)	30sqm	n/a
One-bed (1p or 2p)	45 sqm	22 sqm
Two-bed	60 sqm	24 sqm
Three-bed	70 sqm	27 sqm
Four +	85 sqm	30 sqm

*excluding access and stairs

6.33 The LBRuT Residential Development Standards SPD encourages a minimum outdoor amenity space of 5sqm for 1-2 persons dwellings plus an extra 1sqm for each additional occupant.

6.34 The table below provides an overview of the internal space for each proposed unit and compares this with the requirements set out in both Nationally Described Space standards and the LBRuT Residential Development Standards SPD.

Unit	Type	NIA (m ²)	National Min. Requirement	LBRuT Min. Requirement
1	1b/1p (Studio)	47	37	30
2	1b/1p (Studio)	47	37	30

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- 6.35 The proposed development exceeds the minimum requirements as set out in both the LBRuT Residential Development Standards and Nationally Described Space Standards. There are no minimum Kitchen/Dining/Living area requirements for 1b/1p dwellings within the Residential Development Standards SPD.
- 6.36 As per the Residential Development Standards SPD each unit should provide minimum 5m² of private amenity space. Units 1 and 2 provide 9.4m² and 13m² respectively which exceeds the minimum requirements.
- 6.37 Additional technical guidance has been taken into consideration, for example, each unit provides well in excess of 1m² of storage and all rooms have a head height of greater than 2.3m.
- 6.37 All units meet or exceed LBRuT minimum internal space standards and Nationally Described Housing Standards and the proposed development therefore complies with Policy LP35.

7.0 Conclusion

- 7.1 Section 5 (Relevant Policy and Legislation) demonstrates that the proposed development satisfies the eligibility criteria for Class MA. However, this is contingent upon the conditions outlined in Section 6 (Planning Assessment), which addressed important factors such as transportation, contamination, flooding risks, noise impacts, and access to light for future occupants. The development is deemed appropriate in all respects.
- 7.2 On the basis of the above information, it is considered that the proposed development falls within the provisions set out within Class MA of Part 3 of the GDPO (2015).
- 7.3 This conclusion is also in compliance with the National Planning Policy Framework (2019) and, on this basis permitted development change of use from Office (E) to Residential (C3) should be allowed.