

REF: MR/DB/NB/R01091

Planning Enquiries (Development Control)
London Borough of Richmond Upon Thames,
2nd Floor Civic Centre
Twickenham
TW1 3BZ

12 November 2024

Dear Sir/ Madam

**PRIOR APPROVAL APPLICATION FOR PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOORS FROM RETAIL SPACE TO ONE NO. DWELLING, AS PERMITTED UNDER CLASS G, PART 3 OF SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
5A KING STREET, TWICKENHAM, TW1 3SD**

I write on behalf of our client, EL Retail No. 2 (the Applicant), to submit a prior approval application in relation to 5A King Street, Twickenham, TW1 3SD (the Site) for the proposed change of use of the first and second floors from ancillary retail space to one no. residential dwelling, as permitted under Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Site Context

King Street is located within Twickenham Town Centre and is designated as a Primary Retail Frontage. King Street is formed of a mixture of uses, with commercial at ground floor and office or residential space on the upper floors. The Site mirrors the appearance of other buildings along King Street.

5A King Street is a three-storey terraced building located on the southern side of King Street. The entire building at 5A King Street is in operation as a Boots retail store (Use Class E). The ground floor has served as the shop floor area whilst the first and second floors house back-of-house facilities including staff rooms, storage and toilets.

The Site lies within the Twickenham Riverside Conservation Area but is neither locally nor statutorily listed. The closest listed buildings are opposite the Site at 32-36 King Street (Grade II) and further along King Street at K6 Telephone Kiosk Junction of King Street and Water Lane (Grade II).

The Site falls within Flood Zone 1 where there is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

The following key site designations are relevant to this Report:

- Twickenham Town Centre;
- Primary Retail Frontage;
- Twickenham Riverside Conservation Area; and
- Article 4 Direction Area.

The Site is covered by an Article 4 Direction restricting permitted development rights for changes of use from commercial, business and service (Use Class E) to residential (Use Class C3) under Class MA GPDO. This Article 4 Direction relates to development under Class MA of the GPDO only, and does not restrict the use of Class G. The Article 4 was first introduced in July 2021, made formal in June 2022 and amended by the Secretary of State in July 2022.

The following section sets out the planning history in relation to the Site.

Planning History

The following planning history in relation to the Site is available:

LPA ref. 69/0351 – Planning permission was granted on 18th February 1969 for, “*The installation of new shopfront.*”

LPA ref. 69/0477 – Planning permission was granted on 5th March 1969 for, “*Erection of single storey extension to rear of existing shop premises.*”

LPA ref. 20/2524/FUL – Planning permission was granted on 26th July 2022 for “*Replacement shop frontages.*”

LPA ref. 24/0217/ED191 – A Certificate of Lawfulness was granted on 15th February 2024 for “*Lawful development certificate (Existing) to establish the Use as Class E – Commercial, Business and Service.*”

Proposed Development

Prior approval is sought for the following development:

“*Prior approval for the change of use of the first and second floors from retail use (Use Class E) to 1no. residential dwelling (Use Class C3) in accordance with Class G of Part 3 of schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).*”

The first and second floors are currently used for back-of-house facilities including staff rooms, storage

and toilets to the retail store at the ground floor. The proposal seeks to convert the first and second floors into a residential dwelling, retaining a retail unit at ground floor level.

Such a proposal is permissible under Class G, part 3 of schedule 2 of the GPDO which permits:

*“G. Development consisting of a change of use of a building –
(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;”*

Notably, a building is defined within the GPDO as follows:

“(a) includes any structure or erection and, except in Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16, Class T of Part 19 and Class ZA of Part 20, of Schedule 2, includes any part of a building; and

(b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure.”

Given Class G is not cited under part (a) above, it can be applied to any part of a building (in this case the ground and first floor).

The proposed s is a 4-bed, 6-person dwelling comprising 137.98sqm. The Nationally Described Space Standards, as set out in the Technical Housing Standards (2015), for a 4-bed, 6-person dwelling is 106sqm. As such the proposed development exceeds the minimum standards.

The proposed new dwelling would be accessed from the rear of the building, via the existing external access which serves the ancillary retail uses on the first and second floors. There is existing internal access between the upper floors. There are no external alterations that are required in order to facilitate the change of use.

Class G of part 3 of Schedule 2 of the GPDO sets out in paragraph G.1 that such development is only permitted where the relevant conditions are satisfied. Compliance with these conditions is considered in the following sections of this letter.

Relevant Conditions associated with Class G

The relevant conditions imposed by paragraph G.1 of schedule 2, part 3 are addressed in turn in the following paragraphs.

(a) Some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o)(pay day loan shop) of, or Class E of Schedule 2 to, the Use

Classes Order is situated on a floor below the lowest part of the building used as a flat;

The ground, first and second floors are currently used as a singular retail unit. The proposed development would retain a retail unit (Use Class E) at ground floor, with one residential dwelling across the first and second floor. On this basis, condition (a) would be satisfied.

(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;

A retail unit (Use Class E) will be retained at ground floor. The residential dwelling is proposed across the first and second floors only (with the exception of the rear access). On this basis, condition (b) would be satisfied.

(c) a flat must 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 6 residents living together as a single household (including a household where care is provided for residents).***

The proposed development will be marketed in accordance with the above. Moreover, 1x 4-bedroom, 6-person dwelling is proposed. Considering this, the proposal satisfies this part of Paragraph G.1 (c), Part 3 of Schedule 2.

(d) Before beginning 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-

- i. contamination risks in relation to the building;***
- ii. flooding risks in relation to the building;***
- iii. impacts of noise from commercial premises on the intended occupiers of the development;***
- iv. the provision of adequate natural light in all habitable rooms of the dwellinghouses;***
- v. arrangements required for the storage and management of domestic waste.***

Each of the above is considered in turn below.

Contamination Risks

The Site is not considered to constitute contaminated land as described in Part 2A of the Environmental Protection Act 1990. Furthermore, no ground works are required nor proposed, and the change of use would apply to the first and second floors only. As such, there is no credible pathway between any contamination or ground gas to the residential receptors.

The Flood Risk Assessment (October 2024), submitted as part of this application provides further detail of the ground conditions of the Site and concludes there are no credible pollutant linkages identified which require further assessment.

Flooding Risks

As detailed within the Site Context section of this letter and the Flood Risk Assessment (October 2024), submitted as part of this application, the Site is located within Flood Zone 1 and so is considered to be at a low risk of flooding. The Site is also considered to be at very low risk of flooding from surface water.

The proposal relates to a change of use at first and second floors only and no external works are proposed. Safe access and egress will be provided and flood risk will not be increased elsewhere.

Noise Impacts

The Site is located within a designated Primary Retail Frontage but the only commercial uses are retail and associated uses at predominantly ground floor level including staffrooms, storage and toilets.

Other existing residential uses co-exist in harmony with these predominantly retail ground floor uses. There are multiple examples of identical uses (residential and retail) in close proximity to one another established along King Street. Therefore, there will not be any adverse impact created by noise from commercial premises on the intended occupiers of the development.

The Environmental Noise Survey & Noise Impact Assessment (November 2024), prepared by Hann Tucker Associates, submitted as part of this application, confirms that the proposed residents will not be subject to any adverse impacts from noise.

Natural Light

The proposed flat will benefit from existing large windows to the front, facing onto East Street, which will provide excellent levels of natural light to bedrooms 1 and 3 (as shown on the submitted proposed plans). The other two bedrooms, located to the rear of the property, have large windows to provide natural light. Additionally, the kitchen on the first floor and living area on the second floor will be served by natural light.

The Daylight and Sunlight Report (November 2024) submitted as part of this application, concludes that the proposed change of use is in full accordance with the BRE/ UK National Annex recommendations for daylight and sunlight.

Future occupiers of the proposed residential unit will therefore be provided with adequate levels of natural light.

Storage and Management of Domestic Waste

Future occupiers of the proposed flat will have easy access to the range of kerbside communal bins which are located immediately to the rear of the Site.

Summary

The proposed development meets the requirements of the conditions set out within paragraph G.1. There will be no unacceptable contamination or flood risk, there will be no unacceptable noise impacts, adequate daylight will be provided, and residents will have access to sufficient waste storage.

Moreover, the proposed dwelling will meet Nationally Described Space Standards and there are no other relevant considerations that would warrant rejection of the application.

Conclusion

Considering the above, the proposed scheme successfully complies with both the qualifying criteria and required conditions and is therefore permitted by Class G; Schedule 2, part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the following reasons:

- The retained retail store (Use Class E) will be situated on a floor below the lowest part of the building used as a dwelling;
- The retained retail store (Use Class E) will be retained at ground floor, with no part to be used as a dwelling;
- The proposed development will provide a 1x4-bed, 6-person dwelling. Therefore, the residential dwelling will be occupied by people living together as a family, but not more than 6 residents living together as a single household (including a household where care is provided for residents);
- There will be no unacceptable risk from contamination or flood risk;
- There will be no unacceptable impacts from noise on future occupiers;
- The proposed dwelling will receive adequate daylight and sunlight;
- The future occupiers will have sufficient access to waste storage; and
- The proposed dwelling will meet Nationally Described Space Standards.

It is argued that there are no sufficient reasons to reject the application and the Council is respectfully invited to grant prior approval without delay.

Scope of Application

The following supporting documents have been submitted via the Planning Portal in support of the application:

- The relevant planning application fee;
- The completed application form;
- This covering letter;
- Site Location Plan (1470-ALN-KS-00-D-A-020 Rev. P1)
- Architect drawings prepared by Align Design and Architecture:
 - Existing External Elevations (1470-ALN-KS-00-D-A-010 Rev. P2)
 - Existing Ground, First and Second Floor Plans (1470-ALN-KS-00-D-A-005 Rev. P1)
 - Proposed External Elevations (1470-ALN-KS-00-D-A-800 Rev. P2)
 - Proposed Ground, First and Second Floor Plans (1470-ALN-KS-00-D-A-130 Rev. P1)
- Flood Risk Assessment, prepared by Stantec (dated, October 2024);
- Daylight and Sunlight Report, prepared by Urban Light surveyors (dated, November 2024);
- Environmental Noise Survey & Noise Impact Assessment Report, prepared by Hann Tucker Associates (November 2024); and
- Ground Contamination Assessment, prepared by Stantec (dated, October 2024).

I trust that you have all the information you require to validate this application. If, in the interim, you have any queries please do not hesitate to contact either Daniel Botten (daniel.botten@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

Yours Sincerely,



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