

Application reference: 24/2479/GPD26
WEST TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
01.10.2024	01.10.2024	26.11.2024	26.11.2024

Site:
8 Second Cross Road, Twickenham,

Proposal:
Prior Approval Class MA Change of use from Class E Office to Class C3 residential comprising 2 no. 2-bedroom houses and 1 no. 1-bedroom flat.

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

APPLICANT NAME

C/O Agent
C/O Agent
C/O Agent

AGENT NAME
Ms Zoe Curran
158B Kentish Town Road
London
NW5 2AG

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

Consultations:

Internal/External:

Consultee
LBRuT Non-Commercial Environmental Health Noise Issues
LBRUT Transport

Expiry Date
24.10.2024
24.10.2024

Neighbours:

56 Hampton Road,Twickenham,TW2 5QB, - 10.10.2024
54 Hampton Road,Twickenham,TW2 5QB, - 10.10.2024
5 Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
7 Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
1 Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
3 Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
1B Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
1A Second Cross Road,Twickenham,TW2 5QY, - 10.10.2024
48 - 50 Hampton Road,Twickenham,TW2 5QB, - 10.10.2024
52 Hampton Road,Twickenham,TW2 5QB, - 10.10.2024
Suite 1 At,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 2 At,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 10,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
6 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 12,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 11,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 9,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
Suite 8,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024

Suite 7,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 Suite 6,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 Suite 5,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 Suite 4,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 Suite 3,8 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 10 Second Cross Road,Twickenham,TW2 5RF, - 10.10.2024
 12 Second Cross Road,Twickenham,TW2 5RF -
 27 Second Cross Road,Twickenham,TW2 5QY -

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

Development Management

Status: GTD

Date:14/09/1989

Application:89/1136/FUL

Removal Of Condition 53 (use By Datacater Only) And Variance Of Condition A Attached To Planning Permission Ref. 85/873 To Allow Non-specified User.

Development Management

Status: GTD

Date:20/09/1985

Application:85/0873

Retention of existing buildings and their continued use for office, storage and display purposes in connection with the business of Data-Cater Limited.

Development Management

Status: GTD

Date:05/05/1987

Application:86/0431/DD01

Formation of new vehicular access from Second Cross Road to 52 Hampton Road, formation of parking space and erection of replacement domestic garage (Details pursuant to original approval - re: materials). Condition No. 3,21 and 24 and (b) of planning permission 86/0431 dated 26.9.86.

Development Management

Status: GTD

Date:24/09/1986

Application:86/0432

Change of use of part of the land at the rear of 10 Second Cross Road from office/storage to residential; erection of a new store for industrial use.

Development Management

Status: REF

Date:24/01/1989

Application: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).

Development Management

Status: GTD

Date:29/12/1949

Application:47/1215

The erection of a canteen and staff-room.

Development Management

Status: GTD

Date:30/04/1951

Application:47/2370

Extension of time limit in respect of nissen hut for use as office, assembly shop and store.

Development Management

Status: GTD

Date:27/07/1954

Application:47/5139

Retention of existing building used as office, assembly shop and store.

Development Management

Status: GTD

Date:02/04/1959

Application:59/0100

Retention of (a) Office, assembly shop and store (b) canteen and staff room.

Development Management

Status: GTD

Date:26/04/1961

Application:61/0267

Retention of building used as canteen and staff room.

Development Management

Status: GTD

Date:01/08/1963

Application:63/0532

Use as offices, warehouse and ancillary workshop.

Development Management

Status: GTD

Application:64/0833

Date:05/10/1964

Continued use for offices, warehouse and joinery shop.

Development Management

Status: GTD

Application:69/1996

Date:15/01/1970

Change of use of building at rear to drawing office.

Development Management

Status: GTD

Application:70/0179

Date:13/04/1970

Change of use of building at rear to drawing office.

Development Management

Status: GTD

Application:76/0332

Date:06/08/1976

Continued use of premises for offices and storage purposes in connection with the business of Commercial Catering.

Development Management

Status: GTD

Application:86/0431

Date:26/09/1986

Formation of new vehicular access from Second Cross Road to 52 Hampton Road, formation of parking space and erection of replacement domestic garage.

Development Management

Status: GTD

Application:47/0162

Date:22/11/1948

The execution of repairs and redecorations amounting to £235.

Development Management

Status: GTD

Application:47/0722

Date:30/06/1949

The addition of two huts - one as a store and one as a canteen.

Development Management

Status: GTD

Application:24/0476/ES191

Date:18/04/2024

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.

Development Management

Status: PCO

Application:24/2479/GPD26

Date:

Prior Approval Class MA Change of use from Class E Office to Class C3 residential comprising 2 no. 2 bedroom houses and 1 no. 1 bedroom flat.

Building Control

Deposit Date: 14.02.2006

Loft extension

Reference: 06/0308/BN

Building Control

Deposit Date: 03.02.2019

Install a gas-fired boiler

Reference: 19/FEN00579/GASAFE

Application Number: 24/2479/GPD26**Address: 8 Second Cross Road, Twickenham****Proposal***Prior Approval Class MA Change of use from Class E Office to Class C3 residential comprising 2 no. 2-bedroom houses and 1 no. 1-bedroom flat.***Site Description**

The application property is Ash House Business Centre at No. 8 Second Cross Road. This is sited in Twickenham Village, West Twickenham Ward, and in an Area of Mixed Use. The application property is not located in a Conservation Area, nor it is designated as locally or nationally listed structure.

The application site is subject to the following constraints:

- Area Susceptible to Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 50%).
- Article 4 Direction B1 to C3 (Restricting B1 To C3 - Hampton Road, Twickenham 01/10/16 / Ref: ART4/CJ/016 / Effective from: 10/08/2016).
- Critical Drainage Area - Environment Agency.
- Increased Potential Elevated Groundwater (GLA Drain London).
- Key Office Area.
- Land Use Past Industrial (Works Start: 1950 End: 2004).
- Throughflow Catchment Area.

The site has a PTAL of 3 and is in a controlled parking zone 'SH/WT - Strawberry Hill/West Twickenham' Times: Monday to Saturday 8:30am to 6:30pm (Bank and Public Holidays free).

Relevant Planning History

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 - see below link to cover letter for more details - **Granted 18/04/2024**.

https://www2.richmond.gov.uk/plandata2/Planning_CASENO.aspx?strCASENO=24/0476/ES191&DocTypeID=7#docs

Representations

6Nos. objections have been received (by No. 54 Hampton Road, No. 52 Hampton Road, No. 27 Second Cross Road, No. 6 Second Cross Road, No. 3 Second Cross Road, No. 12 Second Cross Road) and 1No. observation (by No. 56 Hampton Road) as part of this application.

The relevant planning objections are summarized below:

- Poor Design – missed opportunity as faces CA - Structure, Energy Conservation, Sustainability and Climate Change (Case Officer's Comments: under Part 3, Class MA of the GDPO no external alterations are allowed. However, internal works not needing planning permission could be carried out to enhance the current status of the structure).
- Lack of External Amenity, Cramped and Substandard homes (Case Officer's Comments: under Part 3, Class MA of the GDPO there is no requirement to provide external amenity area/s or spaces that comply with the thresholds of the nationally described space standard).
- Internal Light (Case Officer's Comments: this element will be addressed below).
- Sound Proofing (Case Officer's Comments: this element will be addressed below – Applicant advises 'The proposed Party Walls will meet the requirements of Part E of the Building Regulations.').
- Asbestos (Case Officer's Comments: no evidence has been provided of such and the property is currently being used as office space with not-known issues to this extent. The following webpage should be consulted if asbestos is found in the property: https://www.richmond.gov.uk/asbestos_waste).
- Right of way to the rear (Case Officer's Comments: the site location plan identifies the area that is the subject of this assessment, which includes an area to the back of the

application site not identified as a right of way. The PPG (Planning Practice Guidance) *Making an application* states that:

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

The submitted location plan meets the above.

The site location plan is provided by the applicant who is responsible for the accuracy of the information provided.

Article 4 Direction (Case Officer's Comments: this element will be addressed below).

Internal Consultees

LBRUT Transport - Recommendation: No objection, subject to pre-commencement planning conditions:

- o The applicant is expected to enter into a legal agreement with the council under S106 of the Town and Country Planning Act 1990 which will preclude occupants of the site from buying permits to park in any CPZ. This is to mitigate the potential impact of overspill parking from the development in accordance with Para. 110d of the NPPF and Local Plan Policy LP45, Para.
- o To submit a detailed cycle parking.

Access

The applicant proposes to keep the pedestrian entrance on the southern side of Hampton Road (A-classified Road).

Vehicular Parking

The applicant has presented the proposed to retain the existing five spaces for the proposed residential use. The site has a PTAL of 3 and is in a controlled parking zone 'SH/WT - Strawberry Hill/West Twickenham' Times: Monday to Saturday 8:30am to 6:30pm (Bank and Public Holidays free). The applicant would need to provide maximum three park spaces for this development as set out in Appendix 3 of the Local Plan and 2.25 parking spaces to meet the maximum off-street vehicular parking standards set out in chapter 10 of the London Plan (2021).

The net traffic impact assessment estimates 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. The proposals are therefore anticipated to result in a significant net reduction in trips and hence there will be a betterment to the operation of the local road network when compared to the existing office use.

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

The Consultee has reviewed the submitted Acoustic Review and has no adverse comment.

LBRUT Policy - No objections, namely:

In relation to the aforementioned Article 4 direction the Policy Team comments are as follows:

In March 2021 Government published the legislation to introduce new PDR for the change of use of properties in the Commercial, Business and Service use class (Class E) to residential from 1 August 2021, subject to a range of conditions and limitations. The regulations included transitional arrangements, so where there was an existing Article 4 direction on 31 July 2021 in respect of the change of use from offices to residential, it continued to have effect on equivalent development in respect of offices until 31 July 2022. Effectively this gave Councils at least a year to bring in a new Article 4 Direction in relation to Class E. After that time, the old Article 4 Directions must have ceased.

<https://www.legislation.gov.uk/uksi/2021/428/made> The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.

Transitional and saving provisions

15.— ...

(3) Until the end of 31st July 2022, a direction issued under article 4(1) of the GPDO that—

(a) is in effect immediately before 1st August 2021,

(b) withdraws permission for all or any development, or for any particular development, granted for Class O of Part 3 of Schedule 2 to the GPDO, and

(c) has not been cancelled in accordance with the provisions of Schedule 3 to the GPDO,

continues in effect as if a reference to any development permitted under Class O included a reference to the equivalent development under Class MA of Part 3 of Schedule 2 to the GPDO so far as that development would, but for the direction, be permitted under Class MA.

Amendments

None requested.

Development Plan Policies

London Plan

Adopted Local Plan 2018

LP 8 Amenity and Living Conditions

LP 10 Local Environmental Impacts, Pollution and Land Contamination

LP 21 Flood Risk and Sustainable Drainage

LP 24 Waste Management

LP 44 Sustainable Travel Choices

LP 45 Parking Standards and Servicing

Publication 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)

Supplementary Planning Guidance

Development Control for Noise Generating and Noise Sensitive Development
Refuse and Recycling Storage Requirements
Transport

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) 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. This has been established by approval reference: 24/0476/ES191 .
(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.
(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;	Complies.
(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	N/A.
(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.	Not Relevant.

<p>(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—</p> <p>(a) the following classes of the Schedule as it had effect before 1st September 2020—</p> <p>(i) Class A1 (shops);</p> <p>(ii) Class A2 (financial and professional services);</p> <p>(iii) Class A3 (food and drink);</p> <p>(iv) Class B1 (business);</p> <p>(v) Class D1(a) (non-residential institutions – medical or health services);</p> <p>(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);</p> <p>(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) 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.*

The London Plan (2021) requires for the units (2Nos. 2-bedroom properties and 1No. 1-bedroom property) up to 0.75 car-parking spaces per dwelling, meaning 2.25 spaces, rounded up to 3 spaces. This is a maximum standard. 5Nos. parking spaces are proposed to the forecourt of the application site.

Given the proposal would not fulfil the parking requirements of the London Plan, a condition is imposed requiring further details of the forecourt layout and a restriction on the number of parking spaces to 3. Also, as requested by the Council's transport planner, a Grampian condition preventing occupants of the approved dwellings from buying car parking permits via the completion of a legal agreement with the Council under S106 of the Town and Country Planning Act 1990 is also recommended.

The London Plan (2021) requires for the units (2Nos. 2-bedroom properties and 1No. 1-bedroom property) a total of approx. 6 cycle-parking spaces.

No details have been provided in this regard, which will be requested by a reasonable and necessary planning condition. These need to be designed and built-in accordance with guidance set out in the London Cycle Design Standards.

Detailed information of refuse/recycling arrangements have not been provided as part of this application and therefore these will be requested by a reasonably and necessary planning condition. These need to be designed and built-in accordance with the SPD (2022) on Refuse and Recycling: Storage and Access Requirements for New Developments.

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 property is currently in use as an office space. Contamination Report submitted which notes no groundworks are proposed. No contamination risks are anticipated in relation to future residential occupiers.

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.

Also, a flood risk assessment and flood evacuation plan have been provided in support of the proposal addressing flood concerns.

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, with residential properties appearing predominant, and adverse impacts in terms of noise and general disturbance on the future occupiers of the proposed units are not anticipated to be unreasonable or out of character.

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 habitable spaces proposed as part of this application would be served by openings and therefore issues in terms of adequate natural light are not anticipated. This is supported by the submitted Internal Daylight Assessment.

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: 18/11/2024

I agree the recommendation: CTA

Team Manager

Dated:25/11/2024.....

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:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

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

CONDITIONS