

Planning Application Reference: 24/2280/FUL

Address: 64 The Green, Twickenham, TW2 5AG

Proposal: Demolition of existing ancillary structures and erection of two new buildings to provide 2no. self-contained residential accommodate; change of use at ground floor from chiropractor surgery (Use Class E) to residential dwelling (Use Class C3); two storey side extension to provide self-contained residential dwelling; and other associated works.

Identification of relevant designations (spatial search):

- Area of Mixed Use (Twickenham Green)
- Article 4 Direction Class E (Town Centre) to Class C3 (Residential) (Modified Article 4 Direction Class E (Town Centre) to Class C3 (Residential). Came into effect 29 July 2022.)
- Building of Townscape Merit (Site: 64 The Green Twickenham Middlesex TW2 5AG)
- Conservation Area (CA9 Twickenham Green)
- Take Away Management Zone (Take Away Management Zone)

Identification of relevant history:

24/0522/PS192 - Change of Use application to convert the existing workshops Class B8/P to C3 under permitted development powers. The existing building would remain as is, save for minor repair works to the exterior of the building for safety and structural reasons.... *[Invalid]*.

23/P0294/PREAPP - Change of use of part of the existing Chiropractic Health Clinic (Use Class E) at part-ground floor level to residential and the erection of a two storey side extension to provide residential floorspace. *[This proposal included part change of use of the Class E floorspace to facilitate additional residential. The B8 workshops were not part of this pre-application].*

21/P0295/PREAPP - Proposed development comprising ground floor Class E commercial unit, 4 no. flats, 2no. terrace houses plus associated landscaping. *[This proposal was for a mixed-use residential-led redevelopment of the site retaining Class E floorspace fronting The Green, but no re-provision of B8 floorspace].*

15/3756/FUL - Change of use of the current retail shop (Use Class A1) to a therapy centre to provide chiropractic services (Use Class D1) *[GRANTED]*.

91/2270/S192 - Use As Stage Scenery Manufacturer. *[GRANTED]*.

91/2204/FUL - Reinstatement Of Residential Use With Two Front Rooms At Ground Floor Level As Retail (use Class A1). *[GRANTED]*.

Brief assessment of scheme / outline issues to consider:

- In short, the proposal is for various works including the change of use from Class E (vacant chiropractor surgery) and Class B8 (vacant workshops) to facilitate additional C3 residential (4 additional homes, total 5).
- As part of this proposal there would be a complete loss of commercial/community uses on site.
- The site is subject to an Article 4 Direction removing permitted development rights regarding the change of use from Class E to C3.
- See existing and proposed land use summary below (from Planning Statement):

Table 4.1: Land Use Summary

Land Use	Existing	Proposed
Chiropractor surgery (Use Class E)	89 sqm	0 sqm
Workshops (Class B8)	136.8 sqm	0 sqm
Residential (Use Class C3)	76.1 sqm*	355 sqm*
Homes	1	5

**Includes one existing unit*



Existing floor plans

Development Plan Status (Local Plan, London Plan)

The Local Plan was submitted on 19 May 2017 to the Secretary of State for independent Examination in Public by a Planning Inspector, and Examination hearings were held September/October 2017, closing on 12 October 2017. Consultation on the Proposed Main Modifications to the Local Plan, as proposed by the Inspector, and

accompanying Sustainability Appraisal, was undertaken from 22 December 2017 to 2 February 2018. The Inspector's Report (April 2018) was published by the Council on 16 May 2018. The Inspector concludes that the plan, as submitted, provides an appropriate basis for the planning of the Borough provided that a number of Main Modifications are made to it. The Examination is now closed.

The Local Plan, incorporating all the Main Modifications and the Additional Modifications made by the Council, was adopted by full Council on 3 July 2018. The adopted Local Plan therefore supersedes the existing Core Strategy and Development Management Policies, as well as designations relating to saved UDP Proposal Sites. A full list of the superseded policies is included in Appendix 2 of the Local Plan.

An interim version of the adopted Local Plan can be viewed online:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/local_plan_review/local_plan_examination#adoption

The London Plan was published on 2nd March 2021.

Consultation was undertaken on the Council's Pre-Publication (Regulation 18) Draft Local Plan between 10th December 2021 and 31st January 2022.

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 is addressed in more detail in the assessment below 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.

Full text of adopted policies can be found here:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/local_plan_review/local_plan_examination#adoption

Policy Observations – Employment/Retail/Social Infrastructure:

Adopted Plan Relevant policies: LP 25, LP 26, LP 28, LP 40, LP 42

- My observations are based on the planning merits of the case. I defer to colleagues regarding heritage and design issues generally (I note the building is a BTM in a CA) and to the case officer in relation to impact on residential amenity and other issues.

Loss of industrial

- The 2021 London Plan supports the retention and improvement of employment space (offices and industrial) and the creation of new employment space, in particular through policies E1 (Offices), E2 (Providing suitable business space), E4 (Land for industry, logistics and services to support London's economic function) and E7 (Industrial intensification, co-location and substitution).
- Policy LP 40 states that the Council will support a diverse and strong local economy by retaining land in employment use for business, industrial or storage purposes. The provision of small units, affordable units and flexible workspace such as co-working space is encouraged.
- *Note: the Planning Statement references LP41 in relation to loss of office floorspace, however as the workshops are Use Class B8 the relevant policy is LP42.*
- LP 42 includes a presumption against the loss of industrial land in all parts of the borough. Loss of industrial space outside of the locally important industrial land and business parks will only be permitted where evidence is provided that demonstrates that there is no longer demand for an industrial based use in this location and there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial use completed over a minimum period of two continuous years in accordance with the approach set out in Appendix 5 of the Local Plan. Following this, a sequential approach to the redevelopment or change of use is applied that prioritises redevelopment for office or alternative employment uses including social or community infrastructure uses, followed by maximum provision of affordable housing.
- The Planning Statement states that the workshops have operated as a separate planning unit to the rest of the property. The marketing report states that the workshops have been vacant for 6 years, most recently used up until 2018 for a company which made and distributed equipment for theatre production and stage uses, although there is uncertainty as to the specific company details. Marketing is discussed in more detail later in these policy observations.

Loss of social and community infrastructure

- LP 28 C states that the loss of social and community infrastructure will be resisted. Proposals involving the loss of such infrastructure will need to demonstrate clearly:
 1. that there is no longer an identified community need for the facilities or they no longer meet the needs of users and cannot be adapted; **or**
 2. that the existing facilities are being adequately re-provided in a different way or elsewhere in a convenient alternative location accessible to the current community it supports, or that there are sufficient suitable alternative facilities in the locality; **and**

3. the potential of re-using or redeveloping the existing site for the same or an alternative social infrastructure use for which there is a local need has been fully assessed. This should include evidence of completion of a full and proper marketing exercise of the site for a period of at least two consecutive years in line with the requirements set out in Appendix 5.

- The chiropractic clinic now falls within Class E, which allows for changes of use to other Class E uses without the need for planning permission, as such retail policies are relevant which are discussed in the following section. In this case a complete loss of Class E floorspace is proposed and given its previous use it is therefore considered a loss of social and community infrastructure floorspace. It is also noted that the property is in an area with an Article 4 Direction to restrict change of use from Class E to C3 which came into force July 2022, and this site was one of few in Twickenham Green local parade to remain covered by the Article 4 Direction when it was modified by the Secretary of State.
- The planning statement states that the previous tenant of the Class E unit vacated the site in November 2021. It is understood that the previous tenant, Twickenham Chiropractic Health Centre, is now known as 'Synergy' and has relocated to larger premises in Holly Road, Twickenham. Synergy is approximately 650m away from the application site and appears to occupy larger premises and possibly offer a wider range of services. Therefore, it is considered that LP 28 C.2. can be met. However, it is considered that the marketing information provided does not sufficiently demonstrate whether there is a potential for re-using or redeveloping the unit for an alternative social infrastructure use (which could be another Class E use), as required by LP 28 C.3. As such it is considered the requirements of LP 28 D have also not been met. The marketing information provided is discussed later in these policy observations.

Development in Centres

Policy LP 25 – Development in Centres

- This policy sets out a hierarchy of centres and seeks to establish what type of development is acceptable, where it should go and the scale that is appropriate, for each type of centre. The site is located within Twickenham Green is currently classified as a Parade of Local Importance in the hierarchy (delineated by an Area of Mixed Use boundary), therefore parts A & C are relevant.
- LP 25 states that development in the borough's centres, as defined by the centre hierarchy, will be acceptable if it **(A.1)** *is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre (also see the Spatial Strategy of this Plan); and (A.2) is in an appropriate location; and (A.3) does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre; and (A.4) optimises the potential of sites by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre. Commercial or community uses should be provided on the ground floor fronting the street, subject to other Local Plan policies, including the retail frontages policy LP 26.*
- Part C of LP 25 states that in the local and neighbourhood centres as well as parades of local importance, the following applies:

1. Appropriate uses could include new retail (including markets), business or employment developments, which maintain suitable provision for small businesses, and other uses, which primarily serve the needs of the local community or attract visitors and develop cultural opportunities.

2. Development should, wherever possible, include overall improvements and enhancements of the small centres where appropriate, and/or modernise outdated premises.

- As stated at paragraph 7.1.9, local and neighbourhood centres as well as parades of local importance provide a focus for local communities and opportunities to meet, shop, work and spend leisure time, and provides goods and services that result in a reduced need to travel. Parades may have a small number of shops meeting very local but valued needs.
- Paragraph 7.1.23 states that whilst residential uses can contribute to the overall vitality of a centre, housing on the ground floor contributes less to vitality than most commercial or community uses, therefore, commercial or community uses will be expected to front the street. Paragraph 7.1.24 goes on to state that while residential development can contribute to the overall health of centres and meeting Richmond's housing target, there should not be an unacceptable loss of commercial or community space and retained commercial and community uses should remain of a viable size.
- Considering the proposal would result in the complete loss of commercial/community floorspace in the middle of a parade of local importance, the proposal is considered contrary to LP 25 and is not keeping with the aims of the policy approach.

Policy LP 26 - Retail Frontages

- While the unit is not located within a designated frontage, it is within 400m of one and therefore LP 26 E is relevant, which states that for changes of use in non-designated frontages where policy LP 27 does not apply, the Council will consider favourably applications for change of use to any non-A1 use which is a commercial or community use compatible with the retail function of the centre.
- Since the 2020 changes to the Use Class Order, the chiropractic clinic now falls within Class E (previously D1), and as there are no restrictive conditions attached to the property, a change of use to another Class E use could be undertaken without the need for planning permission. It is considered a different Class E use could still contribute to the vitality and viability of the centre.
- Again, it is noted that this proposal would result in the complete loss of commercial/community floorspace, in contrast to both previous pre-apps which retained commercial floorspace fronting The Green. Therefore, this proposal is contrary to LP 26 E as a solely residential proposal in this location is not considered compatible with the retail function of the centre.
- LP 26 F states that where a proposal involves a change of use not supported by policy, the Council will require satisfactory evidence of full and proper marketing of the site, with the applicant expected to undertake marketing in line with the requirements set out in Appendix 5. As the proposal results in the complete loss of a commercial or community use, marketing requirements are applicable. Marketing is discussed in further detail later in these policy observations.

Emerging Local Plan

- The employment policies in the Publication Local Plan continue to take a protectionist approach to industrial land. Policy 24 states that there is a presumption against the loss of industrial land in all parts of the borough and that proposals which result in a net loss of industrial land will be refused and that any redevelopment proposals are required to contribute to a net increase in industrial floorspace. Marketing

information will be considered as a material consideration, but will not in itself justify an exception to policy.

- Policy 49 Social and Community Infrastructure (Strategic Policy) continues the approach to the loss of social or community infrastructure. Paragraph 24.5 recognises that the flexibility introduced by the Government through Use Class E does in principle allow for changes of use both to and from other Class E uses for some types of social and community infrastructure, provided there are no restrictive conditions on a specific property.
- The Publication Local Plan also introduces a new policy approach which does not take forward designated shopping frontages or Areas of Mixed Use, but instead proposes a policy which will relate to either a Town Centre Boundary or Local Centre Boundary. Each centre or parade in the hierarchy will have one or the other.
- This site is within the proposed Local Centre Boundary for Twickenham Green. It is also important to note that following an assessment of the centres in the borough's hierarchy as set out in the adopted Local Plan ([available on the Council's website](#)), Twickenham Green is the only proposed change to the borough's centre hierarchy (promoted from parade of local importance to a neighbourhood centre).
- There is some continuity in that Policies 17 and 18 continue to protect appropriate retail (albeit only in town centres where PSAs are defined or in relation to Policy 20 - Essential Shops and Services meeting essential need, with a focus retaining ground floor commercial/community uses and encourage commercial provision.

Assessment of Marketing

- The planning application is accompanied by a Marketing Report prepared by Haslams Chartered Surveyors, dated 27th August 2024. Key points include:
 - The freehold interest in the property was offered for sale and alternatively to let on a flexible lease, as a whole or as individual parts, and marketed in this vein throughout the duration of Haslams involvement. Haslams marketing campaign ran for a 26 month period between 16th May 2022 to 12th July 2024.
 - Sales particulars are included at Appendix 1, advertising a mixed use (retail/office, workshop, flat) freehold/leasehold opportunity with price/rent provided on application, and potential for alternative uses subject to planning.
 - The terms state it was for sale as a whole Freehold with vacant possession or available to rent as a whole or part on flexible lease terms. The marketing report goes on to state that the property was purposefully not advertised as a whole or in part with a guide price to try and attract maximum interest from perspective parties and to inspire opportunist purchases into making offers.
 - Copies of sales particulars were sent on a quarterly basis to retail, commercial, industrial and development companies in Haslams database, including over 800 companies. Details were also uploaded to Zoopla. A Zoopla Property Performance Report (Appendix 2) shows that the sales particulars for the site appeared in 2,385 searches and clicked on by 56 interested parties but generated just one email lead.
 - Marketing boards were initially placed on the property however were later removed due to concerns of antisocial behaviour around the vacant workshops, which is unusual (it would be useful to know exactly when the marketing boards were in place).

- The marketing report states most enquiries received were for an alternative use of the property. Some details of enquiries received are provided, including:
 - Various for residential development;
 - Dog rescue home;
 - Conditional approach from a local plant hire company to rent the workshops, which fell through;
 - It states no offers were received for the Class E floorspace despite a number of viewings. The marketing report goes on to state that most purchasers/businesses in the current market require space which is 'oven ready' and of a higher spec and quality than what was being offered to the market here.
- It is suggested in the Haslams marketing report that other commercial agents were involved with the marketing of the property. I note that at pre-application stage a brief letter dated 21st November 2023 written by a representative of Featherstone Leigh (FL) was submitted to the case officer, saying that FL were instructed to market the site since 15th February 2023. It stated that they had conducted 17 viewings which resulted in 3 offers within an 8 month period but no viable offers were forthcoming. However, no information relating to the Featherstone Leigh marketing campaign has been submitted with this application. From Google Streetview imagery dated May 2021, I also note a Sara Morton estate agent marketing board on the side of the property.
- Having reviewed the marketing report submitted, it is considered the requirements set out in the relevant policies discussed above and as detailed in Appendix 5 of the adopted Local Plan have not been met in full. While it appears a marketing exercise has been carried out for a period of at least two consecutive years, a lack of a detailed schedule of enquiries/offers/viewings etc. (from the Haslams marketing campaign **and** all other commercial agents that were involved with the marketing) prevents policy colleagues from assessing whether policy requirements have been met with regard to loss of industrial / retail / social infrastructure and assessing whether there is potential for alternative commercial/community uses.
- Notwithstanding the reasons stated for purposefully not advertising the property as a whole or in part with a guide price, due to the lack of detail provided with regard to price it is not possible for policy colleagues to assess whether prices were commensurate with the existing quality and location of the premises. If further information is to be requested from the applicants, it is recommended that a schedule of enquiries specifies what part of the property the enquiry was relevant to (i.e. the whole property, or just the Class E unit and/or workshops).
- Furthermore, given that the application has identified parts of the property as undesirable to potential occupiers, it would be useful to know why improving and upgrading the existing commercial elements of the property has not been considered/carried out to attract potential occupants. I note the submitted Structural Engineer's Report, which states that the workshops are not in a satisfactory structural condition and that it would be safer and more efficient to demolish and re-build them (although this in itself would not justify a loss of industrial land).
- The applicant should revisit the detailed marketing requirements at Appendix 5 of the adopted Local Plan in particular paragraphs 18.0.3 and 18.0.4, and the specific marketing requirements for different types of uses as set out at 18.0.6 (retail), 18.0.12 (industrial), and 18.0.13 (social and community infrastructure).
- Policy colleagues are happy to review any marketing information that may be requested in response to the comments above. **However, it should be noted at this stage that a solely residential proposal is unlikely to be supported on this site without strong justification.** It is important to address the loss of workshops and loss of Class E separately...

- With regard to the loss of industrial use, it is considered that the application has not sufficiently addressed the potential for the redevelopment for office or alternative employment uses (LP 42 A.2.a), and then the potential for a mixed-use scheme that maximises affordable housing delivery (LP42 A.2.b). It is also noted again that under emerging Policy 24 proposals which result in a net loss of industrial land will be refused. Marketing evidence will be a material consideration, however, provision of marketing in itself does not justify an exception to policy.
- Regarding the commercial/community floorspace, LP 28 D states that where the Council is satisfied that evidence has been provided and the change of use away from social and community infrastructure use has been justified, redevelopment for other employment generating uses or affordable housing should be considered. This is particularly pertinent as the site is well within the Twickenham Green Parade of Local Importance delineated by the AMU boundary (and the proposed Twickenham Green neighbourhood centre which is delineated by a Local Centre Boundary on the Reg 19 Policies Map).
- It is considered that at this stage the proposal does not optimise the potential of this site by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre, in line with LP 25 A.4. Moreover, LP 26 E states that the Council will consider favorably applications for change of use to any non-A1 use which is a commercial or community use compatible with the retail function of the centre. A solely residential proposal is therefore not considered appropriate.
- The Council's most recently published [Town Centre Land Use Survey 2023](#) identified Twickenham Green parade of local importance as having 4 vacant units out of 44, including 64 The Green. Although LP 26 F allows for the submission of marketing evidence where a proposal involves a change of use not supported by policy, given below average vacancy rates, and given that there have been a number of different occupants and uses within this Class E unit in the past, it is considered unlikely that a commercial or community use is completely unviable in this location.

Where applicable, set out ways of overcoming potential policy issues

- Submit additional marketing evidence in line with the requirements set out at LP 26 / LP 28 / LP 42 and in detail at Appendix 5.
- AMU and Parade of Local Importance (proposed promotion to Neighbourhood Centre) designation requires development of the site to contribute towards a suitable mix of uses that enhance the vitality and viability of the centre. Similarly, LP42 A.2.b requires consideration of mixed-use potential for sites.

Where relevant, set out whether there are other policy matters / responses, and / or whether other officers should be consulted (e.g. Ecology, Environment Agency etc.)

- Another policy colleague will provide separate policy comments regarding housing.
- The site is a BTM within a CA – it is expected Conservation & Urban Design colleagues will be consulted.

Conclusion:

Refuse (outright) – stipulate reasons for refusal, supported by the relevant policies (see above comments)