



## Planning Statement

Prior Notification for the Change of Use from Office (Use Class E) to 4x dwellinghouse  
(Use Class C3)

20 Church Street, Twickenham, TW1 3NJ



#### Site/Project Information

Consultant	Francelita Balbido/Jonathan McDermott
Client	Guava Holdings Ltd.
Site Address	20 Church Street, Twickenham, TW1 3NJ
LA	Richmond Upon Thames
Description of Development	Change of use from Class E to Class C3
Pathway (PD/Application/Appeal)	Prior Notification

#### Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	Yes (Twickenham Riverside Conservation Area)
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	Outside Class MA Article 4



### Local Policy Requirements

Local Plan/Core Strategy

London Borough of Richmond Upon Thames Local Plan adopted 3 July 2018

Effective Policies in Development Control

Not relevant to Prior Approval Matters

SPG/SPD's

### Planning History

10/3069/COU | Permitted (28/01/2011) | Change of use of first and second floors from class B1 office to class D1 IT Training Facility for a temporary period of 10 years and installation of solar PV panels

12/0089/COU | Permitted 06/03/2012 | Change of use from B1 to D2 for the first floor only. Restricted to the sole purpose of a pilates studio.

**Report Date**

22 October 2024

## 1. Introduction

1.1. The application site relates to a 3 -storey building at 20 Church Street, Twickenham. The ground floor is a restaurant, while the first and second floors are used as offices.

1.2. The owner would like to change the use of the first and second floors from offices (Use Class E) to 4x 1-bedroom dwellinghouses (Use Class C3).

### Matters Pursuant to the Application

1.3. Prior approval is sought for the change of use of the first and second floors from offices to dwellinghouses under the provisions of Class MA of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

1.4. Internal alterations would be implemented to create 4x 1-bedroom dwellings.

### Summation of Case



1.5. Having careful regard to the updated GPDO, there is no impediment to the conversion of the property from Class E (office) to Class C3 (residential) under Class MA. The proposed development site is outside the identified location for Article 4 directions (November 2014 and October 2016) for the change of use from offices to residential of the Richmond Upon Thames Council.

## 2. Site Context

2.1. The site is a 3 -storey building located at 20 Church Street, Twickenham. The ground floor is used as a restaurant, while the first and second floors are used as offices.

2.2. As a key shopping frontage, the area is composed of two and three-storey buildings with mixed-use of restaurants, shops on the ground floor and offices, residential on the upper floors. Most of the buildings have dormer windows on the top floor.

2.3. The subject building is not a listed building but is within the Twickenham Riverside Conservation Area.

	
<p>Location: 20 Church Street</p>	<p>Site photo from Google Maps captured in 2021</p>

### 3. Legislative Framework

#### Class MA

##### 3.1. Class MA states:

*Class 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 (dwellinghouses) of Schedule 1 to that Order.*

#### Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

**Criterion (a) was deleted from the legislation under SI 2024 No. 141 effective from 5th March 2024.**

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

**Criterion (c) was deleted from the legislation under SI 2024 No. 141 effective from 5th March 2024.**

(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;

(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(a);
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;
- (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

**Criterion (g) is no longer relevant.**

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

## Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

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

- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (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(a), the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”

## 4. Qualification Assessment

4.1. Prior approval applications are assessed as to whether the development qualifies for the permitted development allowance and an assessment of the pre-development criteria.

4.2. In respect of the qualification criteria the applicant states the following.



**Criterion (a) was deleted from the legislation under SI 2024 No. 141 with effect from 5th March 2024.**

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

4.3. The approved planning application 10/3069/COU for the change of use of the first and second floors from Class B1 office to Class D1 IT Training Facility for a temporary period of 10 years. In 2012, the first floor changed of use from Class B1 office to Class D2 Pilates studio under application no. 12/0089/COU. All of the changes fell into Class E use.

**Criterion (c) was deleted from the legislation under SI 2024 No. 141 with effect from 5th March 2024.**

**(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;**

4.4. The site is not a listed building and is not any of the land affected by this clause.

**(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(a);**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;**

4.5. The site is not within any land affected by this clause.

**(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**

4.6. The site does not relate to agricultural land and there is no agricultural tenancy in place.

**(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 canceled in accordance with the provisions of Schedule 3.**

4.7. Criterion G is no longer relevant to Class MA applications as the dates within the parts g(i) and g(ii) have passed.

4.8. As such it is concluded that the development complies with the qualification criteria of Class MA.

## 5. The Pre-Development Conditions

5.1. MA.2. requires that development under Class MA is permitted subject to assessment via a prior approval for the following pre-commencement criteria.

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

5.2. This consideration relates to whether the conversion of the building would result in an impact on the safety and convenience of the highway.

5.3. The impact of the development on transport and highways is considered not to be detrimental or harmful due to the proposed development being a change of use from offices and pilates studio to 4x 1-bedroom dwellinghouses.

5.4. The proposal includes the provision of bicycle parking spaces and refuse storage which are accommodated at the rear of the property. Having regard to the existing authorised uses within

the building it is considered that the proposed development would not result in any additional parking that would be detrimental to highway safety.

5.5. Therefore it is highlighted that the proposed change of use will not amount to a substantive impact on the highway network.

5.6. The site is in a sustainable location close to the high street, local shops, and services, where modes of transport other than the private car should be encouraged. Therefore, it is considered that more than adequate opportunity exists for using sustainable transport methods within the vicinity of the site.

**(b) contamination risks in relation to the building;**

5.7. The building was formerly used as an office and pilates studio, which are within Class E, and no excavations are proposed. Therefore, it is not considered that there would be any concerns regarding contamination.

5.8. It is therefore concluded that the change of use would not cause any contamination risk to surrounding uses or areas.

**(c) flooding risks in relation to the building**

5.9. The site falls within Flood Zone 1 (very low flood risk). As such, the flood risk requirement is met.

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

5.10. The proposed development is within the retail shopping area, which operates from about 9:00 to 18:00, and restaurants from about 10:00 to 22:00. The restaurant on the ground floor and on the opposite side (The Fox) are not using loud music or anything that cause noise nuisance.

5.11. The area mainly consists of small shops, offices, and some residential units on the upper floors. Therefore, the proposed residential properties on the upper floors would be appropriate and would not raise any amenity issues regarding noise and disturbance.

5.12. The existing double-glazed windows are enough to mitigate the outside noise from the road and the surrounding establishments.

**(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;**

5.13. The change of use will be achieved through internal alterations at first floor level. Therefore the requirements under para (e) do not apply as the threshold within (e)(ii) has not been reached.

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

5.14. The bedrooms and living spaces within the proposed dwellings will have access to natural light via the existing windows and door of the building which will be retained for this purpose.

**(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**

5.15. The site is not within a designated area and as such this clause has no effect.

**(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(a), the impact on the local provision of the type of services lost.**

5.15. The development does not affect the uses named above.

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

5.17. Since the building's height is below 18m, the fire risk conditions do not apply in this case.

**Application of the National Space Standards**

5.18. The 2x 1-bedroom dwellings are on the first floor, while the other 2x 1-bedroom dwellings are on the second floor with the following gross internal areas:

Dwelling	Proposed Area (m2)	Required Area (m2)
1	37.80	37.00
2	40.50	37.00
3	40.90	37.00
4	37.20	37.00

**6. Conclusion**

6.1. As stated above, the development that has now been presented represents an opportunity to provide an additional 4 dwellings. Further, this can be done in accordance with the provisions of Class MA within the amended GPDO.

6.2. As such, it is requested that prior approval is given in this instance and in the event any alterations are sought, they are requested at the council's earliest opportunity.