

Your ref: 24/3196/GPD26
Our ref: [REDACTED]
DD: [REDACTED]
E: [REDACTED]
Date: 08/01/2025

Development Control
London Borough of Richmond upon Thames
Civic Centre
44 York Street
Twickenham
TW1 3BZ

By Email

F A O Sukhdeep Jhooti

Dear Sir/Madam,

LPA REF: 24/3196/GPD26

Proposed change of use of first and second floors to form 4 dwellings

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

Site at 20 Church Street, Twickenham

We write on behalf of Stonegate Group, who operate The Fox public house at [REDACTED] [REDACTED] to submit representations against the above planning application for prior approval. This representation raises the same material concerns raised by Stonegate Group to the recently refused application for the same development (LPA Ref: 24/02677/GPD26). In addition, there are specific comments made to proposed supplementary information submitted by the applicant in attempt to address previous concerns (please see paragraphs 1.23 to 1.27 below in particular). Stonegate Group's concerns and objections about the proposal are as set out below:

The Fox PH

- 1.1 The late-night licensed venue known as the Fox PH is a very successful local community leisure and entertainment venue. The public house has been operational at this site since c1670 years and has always been a very popular local community facility.
- 1.2 The Fox's lawful operating hours are 1000-2400hrs on Mondays to Thursdays and Sundays; and 1000-0100 on Fridays and Saturdays. This is a late night bar on seven days per week that is licensed to provide live music, recorded music and other entertainment until 30 minutes before closing time.
- 1.3 The Fox has an external customer seating area at the rear and has a large area of the highway in front of the pub for additional external customer use. The total capacity of the pub is 195 customers, except on major event days held at Twickenham Stadium which up can attract >100 customers on the pavement area alone in front of the pub on Church Street.
- 1.4 There have been no known complaints from neighbouring properties about noise and disturbance from lawful operations taking place at the public house in the past, including drinking outside the pub. This includes days when national sports are played locally and on external televisions to capacity crowds.

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- 1.5 The introduction of additional noise sensitive residential uses immediately opposite the existing longstanding, lawful noise-generating, late-night leisure venue will increase the potential for complaints by the new residents in respect of this established late-night use.

Local Considerations

- 1.6 The immediate area around the application site is typical of a local community and the public house is a popular local facility.
- 1.7 Stonegate Group's principal concern relates to the future noise and disturbance to residents at the application site from their existing, longstanding, authorised late-night entertainment venue.
- 1.8 Any complaints from future residents of the application site could lead to possible licensing restrictions on the Group's existing authorised late-night entertainment use and its respective operating hours. This in turn would adversely harm the profitability and viability of the venue, which could threaten the operation's survival. Such potential declines conflict with the current national and local planning policies.

Planning Policy Considerations

- 1.9 The 2023 Framework requires that planning policies and decisions ensure that new development can be integrated effectively with existing businesses and community facilities (including pubs and music venues). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on a new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before development has been completed (all paragraph 187).
- 1.10 The 2023 Framework also states that planning policies and decision should ensure that developments create places that area safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).
- 1.11 In seeking to avoid potential conflict between established and active leisure uses, the current application must give sufficient consideration to potential noise issues and the requirements in the 2023 Framework on amenity issues created by established late night leisure uses and the important Agent of Change principle.

Material Considerations

- 1.12 It is considered that the proposed additional noise-sensitive accommodation would need to be constructed to meet the highest levels of amenity protection. As rehearsed above, the relevant national planning policy context seeks to ensure appropriate living amenity is secured for the would-be occupants of the proposed residential accommodation.
- 1.13 Due regard in assessing this application should be had to how the LPA considers such proposed noise sensitive uses alongside the existing noise generating late-night leisure use adjoining the application site, and whether this will give rise to unacceptable living conditions for future residents.
- 1.14 The application proposal clearly falls to be considered by imposition of the established Agent of Change principle. The proposed creation of new noise sensitive development immediately opposite to the long-established, existing late-night leisure use could give rise to future complaints by the residents to existing, longstanding noise levels and activities late at night. This could ultimately lead to a review of the premises licences and could lead to the cessation of these established uses, resulting in loss of these established local community facility contrary to national, regional and local planning policies.

Existing Late-Night uses

- 1.15 Providing additional residential accommodation in appropriate locations should be welcomed. However, a random distribution of noise sensitive accommodation throughout an existing town centre containing important and long-established late-night bars and entertainment uses can add to tensions and could result in entertainment activities being curtailed in the future through statutory nuisance action and enforcement.

Late night entertainment and noise-sensitive uses should be located and designed to minimise tensions and the risk of entertainment activities being curtailed in the future.

- 1.16 The Fox pub currently directly employs c15 individuals and provides income for a further c20 indirectly employed people (including cleaners, DJs, SIA door staff and local suppliers, etc). This is a total of c35 people who rely on the pub operation for their livelihood. If the licensed operations are forced to close or have their hours of trading cut back, c35 people could be directly affected to the severe detriment by this.
- 1.17 It is also relevant to note that the nature of activities and character of the use at the Fox have not materially changed for decades and a late-night licensed premise has operated at this site for c350 years. Consequently, all activities at the venue are established and lawful and the nature of the use must be taken into account in the assessment of the noise and vibration attenuation requirements of the adjoining proposed residential development. The proposed additional residential accommodation must demonstrate the inclusion of robust and appropriate attenuation from all existing external noise and vibration sources.
- 1.18 Planning officers may be aware of the High Court decision on 8 September 2015, relating to proposed residential development adjoining KOKO nightclub and live music venue in Camden High Street. High Court Judge Mr Justice Stewart ruled that insufficient attention had been paid by the local planning authority to the setting of nearby heritage assets and that noise impact had not been adequately assessed (our emphasis). The grant of planning permission for the proposed residential development was quashed and the Council was required to pay the claimant's full costs.
- 1.19 The consideration of noise impact is key here and the High Court ruling on KOKO nightclub confirms that the concerns raised by the operators of the Fox are very material considerations.

Observations

- 1.20 It is considered that the applicant has under-assessed the very real issue of noise pollution in the context of the proposed noise-sensitive residential development. The applicant has provided a noise impact assessment of existing noise-generating uses and their impact upon the proposed development, but has provided no fool proof means of ensuring that construction of the new residential-based accommodation will meet relevant recommendations for sound attenuation.
- 1.21 There is a very real danger that the construction of the proposed dwellings could lead to disturbance and a substandard environment for future residents without a holistic noise strategy being incorporated into the design that can be meaningfully monitored during construction works.
- 1.22 At the very least, conditions must be applied to any forthcoming planning permission that adequately address the construction methods of the proposed conversion and extension works to ensure that the habitable rooms created are attenuated against all impactful external noise. This will require orientation of noise sensitive rooms (i.e. bedrooms and living areas) away from existing established external noise sources and the requirement to have triple glazed, fixed shut windows on all new windows on the elevations. Appropriate measures to ensure noise attenuation will have to be derived from an appropriate noise impact assessment, which evolves during and post construction to ensure best practice standards are actually met in practice.
- 1.23 Since refusal of the previous scheme (LPA Ref: 24/3196/GPD26) the applicant has submitted a technical note in respect of proposed glazing construction, in an attempt to address previous concerns relating to potential noise disturbance to future residents of the application site from The Fox public house. However, this note erroneously states that the public house can only provide live and recorded music and other live entertainment until 2330hrs. Premises Licence PL032036 allows for live and recorded music and other live entertainment until 00:30 on Fridays and Saturdays. Consequently, the applicant's submission does not address previous concerns regarding noise.
- 1.24 The technical note concludes that the implementation of the proposed glazing scheme is entirely in line with the public house's recommendations. This is incorrect, the most noise sensitive rooms (i.e. bedrooms) should be located away from the principal existing noise source, which is outside the front elevation of the application site building. The public house's principal entrance lies 8 metres from the application site's front elevation windows.

- 1.25 Up to 195 customers could depart from the public house's front entrance at midnight on Sundays to Thursdays and at 0100hrs on Fridays and Saturdays. A significant number of these customers could remain in the vicinity for some time after 0100hrs, as at present, and will create peaks of noise from raised voices, laughter and taxi doors slamming (the street is not pedestrianised beyond midnight). These peaks of noise are more likely to disturb sleeping residents than any calculated average noise levels.
- 1.26 The new application proposes specific noise attenuation measures to be incorporated into the conversion works to ensure that noise impact from existing lawful activities in the vicinity does not impact future residents. There is currently no obligation for the developer to actually execute the conversion works in complete accordance with these recommendations. Consequently, a financial contribution will be required to enable close monitoring of construction works by the LPA to ensure that they are undertaken in accordance with the agreed noise attenuation measures.
- 1.27 The applicant's Planning Statement erroneously implies that the public house only opens until 2200hrs (paragraph 5.10). The Statement also erroneously states that the public house does not use loud music or anything that causes noise nuisance. The public house does play live and recorded music, as well as televised sporting events and other live entertainment, up until 23:30hrs on Sundays to Thursdays and until 00:30hrs on Fridays and Saturdays. Whilst no noise nuisance has been recorded to date from the public house, there is a very real danger that the introduction of noise sensitive residential bedrooms located immediately opposite the public house will subject future residents to noise nuisance.
- 1.28 The established Agent of Change principle firmly puts the onus on developers to demonstrate that new uses and buildings can be accommodated into existing noisy environments without potential for future impact upon new occupiers. This has not been demonstrated in this case. Consequently, the current proposal is contrary to national and local planning policy.
- 1.29 As a consequence to the need for double or triple glazed windows (the applicant's noise assessment recommends double glazed windows), the visual impact of the additional layer(s) of window glazing in the context of the conservation area will need to be thoroughly assessed. The reflection from the property will change and the character and appearance of the front elevation will change, potentially to the detriment of the conservation area.

If you have any queries on the above or would like to discuss these objections further, please do not hesitate to contact us.

Yours faithfully,

Bidwells LLP

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