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**PRIOR APPROVAL NOTIFICATION UNDER PARAGRAPH W OF CLASS O PART
3 SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)**

SUPPORTING STATEMENT

**CHANGE OF USE UNDER CLASS O PART 3 SCHEDULE 2 FROM OFFICE TO
RESIDENTIAL (RESULTING IN 2 UNITS)**

AT

**UNIT 14, ABBEVILLE MEWS, 88 CLAPHAM PARK ROAD, LONDON,
SW4 7BX**

**D&M REF: 003/21/MS
February 2021**

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1.0 SUMMARY

- 1.1 We have been instructed by our client, RVR Developments, to submit this prior approval notification application for the change of use from office (B1) to residential use (Class C3) at Abbeville Mews, 88 Clapham Park Road, London, SW4 7BX under Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 1.2 The site is located on the south western side of Clapham Park Road and forms part of a small commercial estate between Clapham Park Road and St. Alphonsus Road. The units in question relate to those immediately at the front with undercroft access and one unit to the southern side.
- 1.3 The application seeks the change of use of unit 14 provide a total of 2 flats.
- 1.4 The site has a long-established use as an office building having been occupied by a range of different business, to provide office accommodation.
- 1.5 We consider that having looked at the history and constraints of the site and the details and information submitted as part of this application, this Supporting Statement confirms it is possible to change the use of the buildings in accordance with the requirements and conditions of the relevant sections of the GPDO 2015 (as amended) under Class O Part 3 Schedule 2.
- 1.6 In addition to this Supporting Statement the proposal should be read in conjunction with the proposed and existing plans produced by River Woodwork. These consist of proposed and existing:
- *Elevation Plans*
 - *Floor Plans*



1.7 In accordance with Class O there are no external alterations proposed to the appearance of the property and works would be entirely internal.



2.0 DESCRIPTION OF SITE AND LOCALITY

2.1 The site is located on the south east of Clapham Park Road. The units form part of the wider Abbeville Mews development. The development originally built for commercial purposes has been subject to a number of changes of use to now include a range of uses including residential properties.



2.2 The building is two storey in height and set within the mews.



Front elevation

- 2.3 The unit is typical in appearance to those within the mews.
- 2.4 The building consists of a brick frontage with rhythmic fenestration including Juliette balconies. The rear of the property includes a communal parking area.
- 2.5 It is evident from the planning history and the submission of neighbouring units that the building has an established use as an office.
- 2.6 The surrounding area includes a diverse range of use associated with the densely populated residential development in the area.
- 2.7 The area is within a highly sustainable location with numerous bus stops within a short distance and the stations of Clapham Common within a short walk.



3.0 PLANNING HISTORY

3.1 The table below shows the relevant planning history for the site.

Reference;	Description;	Decision;
DC/0544/86	Erection of two and three storey buildings to provide studio workshops and offices	Approved 17/07/86
15/01109/P3JPA	Prior Approval for Change of Use of Unit 1 from Office to Residential	Approved 19/03/15
15/01111/P3JPA	Prior Approval for Change of Use of Unit 6 from Office to Residential	Approved 19/03/15
18/02273/P30	Prior Approval for Change of Use of Unit 6 from Office to Residential	Approved 21/09/18

3.2 It is evident from the above that the Council has considered the change of use of some of the units within Abbeville Mews to constitute permitted development and to be acceptable on the matters of prior approval.

3.3 Given the above we can see no reason why the determination of the application before you should be any different.



4.0 PROPOSAL

4.1 The application would involve the change of use of the building and the site from their current lawful office use into 2 residential properties falling within use class C3. For the avoidance of doubt and in accordance with paragraph W, the development would result in the net gain of two (no. 2) units.

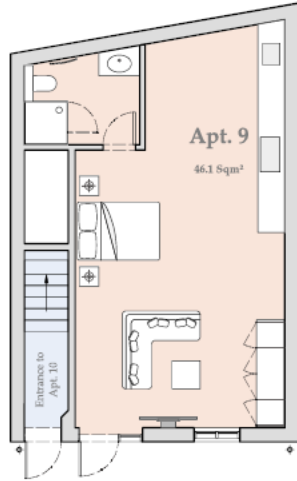
4.2 The breakdown of the number of bedrooms provided are shown in the table below:

Unit	Number of Bedrooms
1	Studio
2	Studio

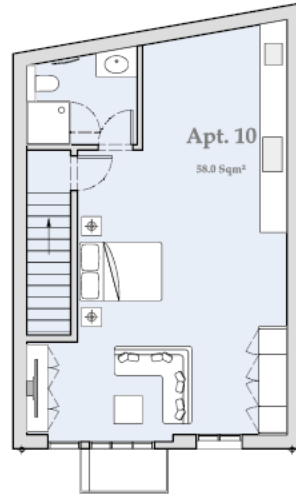
4.3 No external alterations are proposed, nor are any required at a future date to provide a good quality of accommodation.

4.4 Internally the proposal would result in the insertion of internal walls, and changes to the layout. In accordance with Section 55 of the Town and Country Planning Act 1990 (as amended) and well established within case law and appeal decisions, these alterations do not require planning permission.

4.5 The property benefits from an existing courtyard at the rear of the property which provides opportunity for cycles parking and bin storage.



1 Proposed Plan: Ground
Scale: 1:100



2 Proposed Plan: First
Scale: 1:100



5.0 LEGISLATIVE AND PLANNING POLICY BACKGROUND

- 5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force in April 2015. Further amendments including new provisions relating to various permitted development changes of use came into force a year later and subsequent amendments have been made since.
- 5.2 The proposal is not an application for planning permission, but a prior approval notification application to the local planning authority for a determination as to whether the prior approval of the local authority is required. The local planning authority may grant prior approval unconditionally, refuse prior approval or grant subject to conditions reasonably related to the subject matter of the prior approval.
- 5.2 In accordance with paragraph W of the GPDO 2015 (as amended), the application is accompanied by a specification of how many additional dwelling houses would be generated as a result of the change of use (2 units), a floorplan showing the proposed development, and information regarding the developer. It is also accompanied by what we believe to be sufficient information to enable the authority to establish whether the proposed development complies with any relevant conditions, limitations or restrictions being applicable to the development in question under Class O Part 3.
- 5.3 Sub section (10) of paragraph W states that the local planning authority must, when determining an application, have regard to the National Planning Policy Framework (NPPF) 2019 so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Also, of relevance is the National Planning Policy Practice Guidance (NPPG) 2014 (as amended).
- 5.4 In a review of recent similar applications determined by the Council including those within Abbeville Mews, the local planning authority has also made reference to the



Local Development Plan for the area. For the purposes of this application, these comprise the Lambeth Local Plan 2015 and the London Plan 2016. A new London Plan is in the process of being adopted.

5.5 Therefore, as part of this Statement, reference is made to planning policies but only so far as relevant to the subject matter of the prior approval, as if the application were a planning application. These relate to the specific issues of transport and highways impacts, contamination, flood risks to the building, impact of noise from commercial buildings on the future occupiers, and the provision of natural light to habitable rooms. A summary of the most relevant policies is set out below but referred to in more detail in the following section of this Statement.

5.6 Having reviewed the Local Development Plan for the area, the site is subject to the following constraints:

- Key Industrial and Employment Area

5.7 The most relevant policies in the Local Plan are set out below, with some being more overarching type policies which outline the Council's general approach towards achieving sustainable development:

Local Plan 2015

T1 – Sustainable Travel

T2 – Walking

T3 – Cycling

T6 – Assessing Impacts of Development on Transport Capacity

T7 – Parking

EN5 – Flood Risk

Q2 - Amenity



London Plan

5.21 – Contaminated Land

6.3 – Assessing Effects of Development on Transport Capacity

6.13 – Parking

5.8 There are no article 4 directions in place that would restrict the change of use by way of permitted development.



6.0 SUPPORTING STATEMENT

6.1 This application is submitted to confirm the change of use of the building as outlined on the application drawings constitutes permitted development under Class O (Office to Residential) Part 3 Schedule 2 of the GPDO 2015 (as amended).

6.2 The application is not a formal planning application. The principle of the proposed use is acceptable provided the criteria and conditions set out under the relevant parts of the GPDO 2015 (as amended) are met with consideration being given to certain planning issues. As such, planning issues such as layout and design, appearance, residential space standards and impact on neighbouring amenity are not before the Council for consideration under Paragraph W.

6.3 Below is the assessment under Class O Part 3 Schedule 2 together with the accompanying Paragraph W of the GPDO 2015(as amended). Text within the Order is shown in *italics* with assessment in bold text.

6.4 *Permitted development*

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

6.5 *Development is not permitted by Class O if—*

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

6.6 **The planning records for the site confirm that the building was used as an office at the crucial date being the 29th May 2013. The building was original constructed a an office in the late 1980s and has remained in such use since.**



- 6.7 *(d) the site is, or forms part of, a safety hazard area;*
- 6.8 **The site does not form part of nor is it a safety hazard area**
- 6.9 *(e) the site is, or forms part of, a military explosives storage area;*
- 6.10 **The site has not been used as a military explosive storage area**
- 6.11 *(f) the building is a listed building or is within the curtilage of a listed building; or*
- 6.12 **The building is not listed, nor within the curtilage of one**
- 6.13 *(g) the site is, or contains, a scheduled monument.*
- 6.14 **The site is not nor does it contain a scheduled monument.**
- 6.15 Given the above it is evident that the proposed development conforms with the criteria set out within the GPDO for the conversion. Accordingly, the prior approval process is an appropriate route for such. Consideration must therefore be given to the elements of prior approval. These are addressed below.
- 6.16 *O.2.—(1)*
Development under Class O 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—
- (a) transport and highways impacts of the development,*
(b) contamination risks on the site,
(c) flooding risks on the site,
(d) impacts of noise from commercial premises on the intended occupiers of the development,, and
(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- and the provisions of paragraph W (prior approval) apply in relation to that application.*
- 6.17 **This application constitutes that the developer has applied to the Local Planning authority for a determination as to whether prior approval is required on matters a) through to e). The following is submitted in support of the application.**
- (a) transport and highways impacts of the development,*



- 6.18 **The NPPF 2019 at paragraph 109 sets a key test that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.**

The site is in a highly sustainable location with a number of bus stops and train/tube stations within short walking distance. It is contended that future occupants would likely make the most of such benefit relying heavily on public transport for their needs.

The existing offices benefit from an undercroft access and off-street parking within the courtyard, this would not be changed as part of the application. Accordingly, there would be no alterations to the highway by virtue of the application that would result in physical changes sufficient to warrant refusal.

Given such the key assessment is as to whether the change of use from office to residential development would result in detrimental impact on the transport and highway network sufficient to warrant the refusal of the prior approval.

Arguably the associated trip movements of the residential properties would be less than that of the employment space. Accordingly, it is contended that the change of use would not result on unacceptable impact on highway safety by virtue of the traffic or movements.

With regards to parking, Policy T7 of the Local Plan specifies the ambitions of parking within the borough. It states that parking should not exceed the maximum allocation under the London Plan and should aim to be car-free to encourage use of public transport. The development would not provide any car parking space in

Space for cycle storage can be provided within the shared facilities within the mews.

Accordingly, it is contended that the development would comply with a)

(b) contamination risks on the site

- 6.19 **Paragraph 178 of the NPPF seeks to ensure that planning policy and decisions protect occupiers from the potentially harmful impact on contamination. It continues at paragraphs 179 and 180 to state that where a site is affected by contamination planning policies and decisions should ensure that its impact is mitigated.**

The development does not propose any operational development nor is any reasonably required for the change of use. The office already benefits from existing



services including kitchens and bathrooms and accordingly there would be no need for additional services to or from the property.

With this in mind it is contended that there would be no contamination risks on site – any internal changes would be thoroughly inspected for any occurrences of asbestos or other contaminants.

It is noted from the other sites within Abbeville Mews that conditions have been attached to prior approval to protect against any unexpected or previously unidentified contamination.

Accordingly, it is contended that the development would comply with b)

(c) flooding risks on the site,

- 6.20 The NPPF at paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.**

A review of the Environment Agency’s flood map reveals that the site is at low risk from surface flooding and very low risk from river and sea flooding.

Accordingly, the development would not result in inappropriate flood risk for occupiers or for neighbouring properties.

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

- 6.21 Policy Q2 of the Local Plan states that the amenity of occupants should be protected from adverse noise implications and where applicable integrate attenuation methods. This is also echoed in paragraph 127 of the NPPF.**

A noise assessment was attached with the application for prior approval at Unit 6. This report identified that the biggest noise influence was from road traffic. It also identified that the construction of the buildings included sufficient insulation and did not require any mitigation or attenuation.

Unit 6 is above a café and accordingly more sensitive to the noise from below. This sensitivity is removed for the units subject of this application. Accordingly, it is



contended that there would be no adverse impact from commercial noise on intended occupiers.

It is therefore evident the development would accord with d)

(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

6.22 The GPDO defines habitable rooms as ‘any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.’

The floorplan clearly shows that each habitable room would be served by a window allowing for each room to benefit from natural light. These windows are of generous size with some including balconies and Juliette balconies.

It is worth emphasising at this juncture that natural light is different from outlook.

It is therefore evident that the development would accord with e)



7.00 COMPLIANCE WITH PARAGRAPH W

7.01 Paragraph W of Part 3 requires that for changes of use made under this schedule that the application be accompanied by certain information. In order to fully accord with these requirements and for the avoidance of doubt these are set out below

7.02 *(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;*

The development is proposed under Class O and a written description is therefore not required. Despite this a written description is included in section 4 of this statement.

7.03 *(b) a plan indicating the site and showing the proposed development;*

Plans produced by River Woodwork Ltd accompany the application and clearly demonstrate the proposed development.

7.04 *(ba) in relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);*

For the avoidance of doubt, the development would result in a net increase of 2 units

7.05 *(bb) in relation to development proposed under Class Q of this Part, a statement specifying—*
(i) the number of smaller dwellinghouses proposed;
(ii) the number of larger dwellinghouses proposed;
(iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;

N/A this is an application under Class O

7.06 *bc) in relation to development proposed under Class M, N, O, PA or Q of this Part, a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;*



This is provided in the plans.

7.07 (c) the developer's contact address;

**RVR Developments
5 Island Farm Avenue
West Molesey
KT8 2UZ**

It is, however, requested that all communication be via the planning agent.

7.08 *(d) the developer's email address if the developer is content to receive communications electronically; and*

The developer would prefer communication by post; if there are any emails these can be sent to the planning agent, matt.smith@dm-planning.co.uk.

7.09 *(e) where sub-paragraph (6) requires the Environment Agency51 to be consulted, a site specific flood risk assessment,*

N/A

7.10 2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

We contend that rooms are supplied with adequate natural light

7.11 *The local planning authority may refuse an application where, in the opinion of the authority—*

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

any conditions except for conditions in paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),, limitations or restrictions specified in this Part as being applicable to the development in question.

As set out above, the scheme fully complies with the relevant Class. We contend that sufficient information has been provided to enable the authority to make their decision.



7.12 *Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.*

N/A

7.13 *(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—*

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

We understand that this would be the responsibility of the Council to undertake, however, we assert that there would be no material impact on the highway as a result of the change of use.

7.14 *(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—*

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

Although this would be the responsibility of the Council, it should be noted that the scheme is not within a flood risk zone.

7.15 *(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).*

(8) The local planning authority must give notice of the proposed development—



- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—*
- (i) describes the proposed development;*
 - (ii) provides the address of the proposed development;*
 - (iii) specifies the date by which representations are to be received by the local planning authority; or*
- (a) by serving a notice in that form on any adjoining owner or occupier.*

We understand that this is the responsibility of the Council to undertake.

- 7.16 *The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—*
- (a) assessments of impacts or risks;*
 - (b) statements setting out how impacts or risks are to be mitigated; or*
 - (c) details of proposed building or other operations.*

It is asserted that sufficient information has been submitted as part of this application including an assessment of impact and risk (which demonstrate there is no need for mitigation) and sufficient details of the proposed operations.

- 7.17 *(10) The local planning authority must, when determining an application—*
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);*
 - (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019 so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and*
 - (c) in relation to the contamination risks on the site—*
 - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and*
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.*

We understand that this is the obligation of the Council. However, it should be highlighted that this supporting statement has taken into account the NPPF.



7.18 (11) *The development must not begin before the occurrence of one of the following—*

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*

The applicant has been made aware of such requirements and will record the date when the application was submitted. They will not commence development until one of the above criteria have been met.

7.19 (12) *The development must be carried out—*

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;*
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.*

The applicant has been made aware that development will need to be carried out in accordance with the approved details.

7.20 (13) *The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*

(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.

Noted

7.21 Given the above it is asserted that the application fully complies with every aspect of Paragraph W and there should be no reason to not consider the application on this basis.



8.0 CONCLUSIONS

- 8.1 We consider that having looked at the history and constraints of the site, and the details and information submitted as part of this application, this Supporting Statement confirms it is possible to change the use of the buildings in accordance with the requirements and conditions of the relevant sections of the GPDO 2015 (as amended). The application site is clearly outlined on the submitted location plan.
- 8.2 It is clear the site has had a long-established office use, and it has been confirmed that was its use at the relevant date and last use, the application falls to be considered under Class O of Part 3 of Schedule 2 of the GPDO 2015 (as amended).
- 8.3 There are various conditions and requirements under Class O that must be met for the Council to be able to confirm the change of use from an office building to residential would be permitted development by reason of the Order. Having regard to the these, as discussed above, and the on-site circumstances it is contended there are no technical objections to the proposed development.
- 8.4 The development proposed would fit within the criteria permitted under Class O being related to the change of use.
- 8.5 The internal alterations within an existing lawful building are not development for planning purposes under section 55(1) of the Town and Country Planning Act 1990 (as amended) and accords with the provisions of Class O Part 3 Schedule 2 of the GPDO 2015 (as amended). Internal changes are commonly accepted by the Council in this regard.



- 8.6 The development would make a contribution towards meeting the housing demand of the Council.
- 8.7 We believe that we have provided all the relevant information required in order to enable the Council to make a positive decision on this application. We consider that Prior Approval is not required in this case. However, please do not hesitate to contact us should you require further information or points of clarification.

D & M Planning Ltd

Chartered Town Planners