



Appeal Decision

Site visit made on 18 October 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021.

Appeal Ref: APP/L5810/W/21/3270722

Unit 3, 172-174 Colne Road, Twickenham, TW2 6RE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by FUEL training Ltd against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref, 20/0585/FUL dated 27 February 2020, was refused by notice dated 15 September 2020.
 - The development proposed is for a personal and temporary 2-year change of use from B8 (storage and distribution) to D2 (personal training studio).
-

Decision

1. The appeal is allowed and planning permission is granted for a personal and temporary 2-year change of use from B8 (storage and distribution) to D2 (personal training studio) at Unit 3, 172-174 Colne Road, Twickenham, TW2 6RE in accordance with the terms of the application, Ref 20/0585/FUL dated 27 February 2020, and the plans submitted with it, subject to the conditions set out at the end of this decision:

Main Issues

2. I consider the main issues to be:
 - a) whether the proposal would result in parking stress; and,
 - b) the effect of the proposal on industrial employment opportunities in the Borough.

Reasons

3. The appeal property, Unit 3, 172 – 174 Colne Road, is a small, older style, industrial unit of just 62.71 square metres, located on the Mereway Road Industrial Estate. The unit has a B8 use classification and is accessed from the forecourt of the neighbouring unit, a metal products fabricator.
4. The industrial estate comprises some 11 units, mostly in light industry (B1c) and is within a conservation area. Unit 3 has a PTAL rating of 3 and there are no parking spaces allocated to it.
5. The appellant proposed a temporary two-year change of use from B8 (storage and distribution) to D2 (personal training studio). No external changes are proposed to the appeal site.

Parking stress

6. There are no on-site parking spaces serving the appeal site. A parking survey was not submitted with the original planning application to enable the local planning authority to determine the level of parking stress on surrounding streets resulting from the development.
7. The Council advises, that since the determination of the original application the London Plan (2021) has now been adopted and as set out in its own Local Plan, the Council aligns its parking standards with those of the London Plan.
8. The Council goes on to advise that in this case the London Plan states that, amongst other things, car-free development should be the starting point for all developments proposal in places that are well connected to public transport, more emphasis is to be placed on reducing the reliance on cars, particularly in moderate to high PTAL areas, and minimum standards are not appropriate for non-residential use classes in any part of London.
9. Given the site has a PTAL rating of 3 and is not served by any on-site parking the Council considers that the policy shift under the new London Plan now places more importance on achieving appropriate cycle parking rather than vehicle parking for developments such as this. The appellant is prepared to provide 5 cycle parking spaces. As these are not shown, this is a matter that if I were to allow the appeal could be conditioned.
10. Furthermore, as identified by the Council, the appellant in the appeal statement has stated that the maximum number of clients attending the gym at any one time would now be six instead of eight.
11. In the light of the foregoing considerations the Council states that the first reason for refusal relating to parking stress has been overcome. From what I have seen and read I would not disagree. I shall therefore now go on to consider the second main issue.

Industrial employment

12. LP Policy LP40 states, amongst other things, that the Council will support a diverse and strong local economy by requiring land in employment use to be retained in employment use for business, industrial or storage purposes.
13. LP Policy LP42 defines 'industrial land' as that being used for general industry, light industry, open storage, self-storage, distribution and logistics and other similar types of development as well as any other users which fall within B1c, B2 or B8 Use Classes or are considered Sui Generis.
14. The Mereway Road Industrial Estate is identified by the Council as a locally important industrial land/business park. LP Policy LP42 at paragraph B(c) addresses locally important industrial land and business parks and states that proposals for non-industrial uses will be resisted where the introduction of such uses would impact unacceptably on industrial activities (which may include waste sites).
15. The Council in its evidence indicates that, along with other things, given the constraints of the unit, lack of parking and vehicle manoeuvring areas etc., that subject to an adequate marketing exercise being carried out, given the temporary nature of the proposal it would consider an appropriate temporary

- alternative employment use in this small B8 building. Based on what I have seen and read I find no reason to reach a contrary view.
16. Based on the sequential approach set out in LP Policy LP42(A), an alternative employment use such as proposed here, which in addition would serve to potentially improve the communities physical and mental health, would be an appropriate alternative use.
 17. Although not displayed at the time of my visit, a 'To Let' board has, I understand remained on display on the site since June 2019 until relatively recently. In addition, as I have seen, the letting particulars which I understand have appeared online since that date, currently remain posted online.
 18. While, therefore, at the time of the determination of the original application in September 2020 there may have been the lack of a full two-year marketing exercise. Based on the limited evidence to the contrary, I believe on the balance of probability, that the building has been advertised for a period of probably two-years or more by professional local agents.
 19. Accordingly, I conclude in respect of the second main issue, that on balance, the proposed temporary change of use of this unit would, in this case, bring this unit back into commercial use albeit on a temporary basis. At the end of the two-year period, it would then revert to its former B8 thereby maintaining this vital facility in the Borough.
 20. In reaching my conclusion I am mindful that due to a number of factors including the Covid 19 lockdowns there may well be more interest in this B8 unit in the future as the economy continues to regenerate.
 21. I therefore conclude in respect of the first main issue that the proposal would not result harm to industrial employment opportunities in the Borough and therefore would accord with the objectives of LP Policies LP40 and LP42, the GLA Industrial Land Supply and Economy Study (2015) and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012) as they seek to protect a complete loss of existing industrial floor space.

Conditions

22. The conditions follow from those suggested by the Council. To ensure that the Council retains certainty over the short and long-term use of the site I shall condition its occupancy as well as the building's short-term change of use and its restoration to its current B8 use.
23. To safeguard the appearance of the property and the amenities of the area I shall condition storage and disposal of waste.
24. To safeguard the Council's policy to discourage the use of the car and minimise demand for on-street parking I shall require on-site cycle provision and include conditions in respect parking permits and travel plans.

Conclusions

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR

Conditions:

- 1) The use hereby permitted shall be carried on only by FUEL Training Ltd.
- 2) The use hereby permitted shall be for a limited period being the period of two years from the date of this decision, or the period during which the premises are occupied by FUEL Training Ltd, whichever is the shorter. When the building ceases to be occupied by FUEL Training Ltd or at the end of the two years, whichever shall occur first, the use hereby permitted shall be discontinued and the site/building shall be restored to its former condition before the use first started all to the satisfaction of the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved drawings: project reference /// - drawing 1 (dated 30.9.19) and drawing (dated 28.10.19).
- 4) The development hereby permitted shall not be occupied until a cycle stand for five number cycles has been installed in the external courtyard opposite unit 3 in accordance with details to be submitted to and approved in writing by the local planning authority, such details to include position, design, materials and finishes. The cycle stands shall thereafter be kept free of obstruction and available for the parking of cycles only for the sole use of the occupiers of unit 3.
- 5) The development hereby permitted shall not be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details submitted to and approved in writing by the local planning authority. No refuse or waste of any description shall be left or stored anywhere on the site other than within the building or approved refuse enclosure.
- 6) Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and put in place to ensure that, with the exception of disabled persons, no commercial occupier of the development shall obtain a commercial parking permit within any controlled parking zone which may be in force in the area at any time.
- 7) A staff, clients and visitor travel survey shall be undertaken in accordance with a survey methodology to be submitted to and approved in writing by the local planning authority prior to it being undertaken. Within 6 months of the use commencing, a new travel plan based on the results of

the survey shall be submitted to the local planning authority with clear objectives, targets, actions and timeframes to manage transport needs of staff, clients and visitors to the development to minimise car usage and to achieve a shift to alternative transport modes.

Following written approval, the appellant shall then implement actions necessary to secure the objectives and targets within the approved plan. The travel plan (including surveys) shall then be revised annually and a written review of the travel plan submitted to and approved by the local planning authority by the anniversary of its first approval and yearly thereafter.