

23-27 Arlington Works, Arlington Road, Twickenham, TW1 2BB
Proof of Evidence of Philip Villars BA (Hons) MRTPI
Planning Matters

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December 2020

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1. Introduction

- 1.1. My Proof of Evidence relates to the appeal made against the refusal of a planning application for “redevelopment of the site to provide 610sqm of commercial space (B Class) within existing Buildings of Townscape Merit plus a new build unit, 24 residential units (5 x 1 bedroom, 12 x 2 bedroom and 7 x 3 bedroom and associated car parking and landscaping” at 23 – 27 Arlington Works, Arlington Road, Twickenham, TW1 2BB (application ref: 18/2714/FUL).

Qualifications and experience

- 1.2. My name is Philip Villars and I am Head of Planning Consultancy and Environmental Assessment and Management ("EAM") at WSP. WSP has one of the largest town planning consultancy teams in the UK, with over 100 chartered planners and 120 environmental experts in the EAM team. We work across the UK with bases in London, Manchester, Birmingham, Bristol and Leeds. I am based in the central London office and work on projects across the UK.
- 1.3. I have a BA (Hons) in Town and Country Planning and am a chartered member of the Royal Town Planning Institute (RTPI).
- 1.4. I was previously Managing Director at Indigo Planning, prior to which I worked in local government for three years as a planning officer for Bromley Council and at the Royal Borough of Kensington and Chelsea. I left to join Indigo in 1989. Indigo joined and became part of WSP in 2019.
- 1.5. I have been advising the Appellant in relation to the appeal site ("the site") since the pre-app stage discussions with the Council and I am familiar with the site and the locality.
- 1.6. I am aware that my professional duty, in accordance with the guidelines and

standards of the Royal Town Planning Institute, is to the inquiry, irrespective of by whom I am instructed. I confirm that the evidence I have prepared and provided for this appeal has been completed with due diligence and is truthful, representing my honestly held professional view. I confirm that the opinions expressed are my true and professional opinions.

2. Structure of the Proof

- 2.1. I will consider the main planning issues identified by the Inspector, the Council's reasons for refusal and the concerns raised by other parties, particularly the other Rule 6 parties.
- 2.2. These are considered in the context of an acknowledged need for housing, particularly affordable housing and flexible business space for small and medium-sized enterprises ("SMEs"). Policy at all levels places significant importance on delivering more homes, particularly in London where the need far outstrips the supply; leading to key workers, families and communities being priced out of buying or renting in places such as Richmond. This in turn leads to individual and family hardship as it is difficult, if not impossible, to find a home. The average private rent for a three-bedroom home in every other English region is now less than the average for a one-bedroom home in London. This imbalance blocks entrepreneurs and skilled workers from establishing or growing a business in boroughs such as Richmond, to the detriment of the local economy.
- 2.3. With the unprecedented impact of Covid-19, this issue is more acute than ever. I set out in my evidence how the balancing exercise of providing sustainable, affordable workspace and housing is achieved on this site through the proposed development, whilst protecting and enhancing its heritage assets, together with the amenity of neighbours. This is in accordance with planning policy at all levels.
- 2.4. I will then consider the planning merits of the proposal, the balancing exercise and conclude that the appeal should be allowed and planning permission granted, subject to conditions and the S106 Undertaking.

3. Main Issues

- 3.1. The Inspector identified the following main issues at the Case Management Conference (“CMC”).

Loss of a designated waste site

- 3.2. As referred to in the evidence of Mr Mehegan, it is particularly relevant to note that the lawful area of the waste facility which the Appellant ran for many years was less than 0.08 ha (or 26% of the site area). This was confirmed by the Council issuing a CLEUD in 1994 (**Appendix A**). The lawful area included the shared access road leaving a net area of 0.05ha. This was a minor part of the overall appeal site with the remainder of the site occupied, over many years, by a range of commercial tenants none of which were associated with the waste activity.
- 3.3. There is no evidence to suggest that the waste use ever extended beyond the area of the CLEUD referred to above. The Council has accepted this in the SoCG (**CDI4**). The lawful site area occupied previously by the oil refining business was small and this is relevant when considering alternative waste uses. Mr Mehegan addresses this in his evidence. The Site Selection and Assessment Process, Summary Report, Final Report (**CDE15**) refers to sites of 0.5 ha being required for new waste facilities to be viable:

“The sites were selected for deliverability assessment using the following criteria:

- a. The area of the site was greater than 0.5 hectares
- b. They scored well in the original site assessment (as set out in the 2011 technical report)

c. For existing sites, they did not have constraints that would reduce their potential for redevelopment e.g. Greenbelt”

- 3.4. This site itself scored extremely poorly when being assessed against over 300 other sites – almost at the bottom (**CDE15**).
- 3.5. The site size, being extremely small to accommodate an alternative waste use, as noted by Mr Mehegan, should be considered alongside the site constraints faced by accommodating another hazardous waste facility in this location. It is accessed through an entirely residential area and although close to St Margarets’ local centre and public transport, all waste being delivered to and from the site would be in vans and lorries/tankers through relatively narrow residential streets. There are immediate residential neighbours as well as Twickenham Studios.
- 3.6. This part of the site has now been redundant for some time and, in my view, it is likely that waste operators would be deterred by the residential environment and the fact that they will need to obtain planning permission for any future waste development. Such an application for planning permission is likely to be extremely contentious. Even if granted, which I think is highly unlikely, any operator would recognise the high likelihood of engaging onerous planning conditions restricting the operation of any facility, which would be imposed owing to the high potential for complaints from neighbours.
- 3.7. Sharpes was able to operate unfettered without any planning restrictions controlling their hours of operation or servicing. This would not be accepted by the Council under a new application. Sharpes, the EA and the Council received numerous complaints from neighbours and councillors over many years (including organised campaigns and petitions) about noise, fumes, odours and damage to the highway and neighbouring boundaries from the HGVs/tankers accessing the site and the tanks/processing. Public awareness of these issues as well as concerns about

general safety increased over recent years, particularly after the Buncefield oil storage facility explosion in 2005, which caused the largest fire in Europe since World War II. This should be viewed in the context of a high-profile oil tank fire in 1984 and an oil tank explosion in 1998, both at Arlington Works. Local press cuttings of both incidents are enclosed at **Appendix B**. The Council at the time could not act due to the long-established use of this part of the site. All of these factors will affect the likelihood of a waste use locating to the site.

- 3.8. As such, and considering the waste which was previously catered for at the site is now being treated elsewhere, the Appellant has been exploring capacity for compensatory hazardous waste provision, as set out in Policy WLWP2 of the WLWP and LP24 of the Local Plan and 5.17 and 5.19 of the adopted London Plan and the new London Plan. As evidenced by Mr Mehegan, capacity does exist elsewhere in the WLWP/Greater London area for the amount of waste dealt with historically at this site.

Possible implications for industrial and employment land policy

- 3.9. The Council's Reason for Refusal 2 refers to the 'loss of industrial floorspace', 'the complete loss of an existing industrial site' and the 'continued use of the premises as a B2 use'. I challenge the basis of this reason for refusal and demonstrate that the development will provide employment space, including for light industry, in refurbished and new accommodation on site. This is despite the introduction of the new Use Class E.
- 3.10. As explained by Mr Weeks, the existing accommodation is in extremely poor condition and needs significant investment to bring it up to current standards. The Appellant, from the very outset of pre-application discussions with the Council, intended to retain employment space at Arlington Works. This will involve retaining and refurbishing the BTMs and adding to them with a new unit. The existing corrugated metal clad workshops/stores will be removed as they've come to the end

of their life. This part of the site will accommodate affordable housing and associated parking. The investment proposed will secure the long-term retention of employment use at this site, and of a type suitable to local businesses across a range of B1 activities including light industrial.

- 3.11. The Council criticises the Appellant for not carrying out a marketing exercise to 'demonstrate that there is no longer demand for an industrial based use in this location'. However, the Appellant has made it clear that it believes there will be demand for light industrial workshops, recording studios, etc. and that the accommodation will be available for these uses. There will be no loss of industrial use – the use will be enhanced and intensified and accordingly there was no need to undertake a marketing exercise. This is a case of qualitative enhancement rather than removing an industrial or employment site or space.
- 3.12. The Appellant has stated that a restriction to Class E(g) use in the future would be acceptable. The Appellant has not sought to argue that light industrial/employment uses are unviable or unsuitable in this location. Quite to the contrary, the flexible space being proposed will be ideal for SME type businesses who prefer a more secondary location i.e. non town centre. This is referenced by Mr Weeks in his evidence. Indeed, the Council's recent Direction of Travel document for its new Local Plan (**CDE13**) states 'we want to encourage provision and retention of premises suitable for SMEs in the Borough to occupy at an affordable cost'.
- 3.13. This Direction of Travel document also refers to the South London Partnership (SLP) Industrial and Business Land Study (Ramidus) 2018, which identified in industrial and employment premises an acute shortage of small (100-200sqm) light industrial units. The document (**CDE13**) says 'we are increasingly seeing a merging of offices, light industrial and storage uses into a hybrid use' due to how businesses operate.

3.14. The Secretary of State in his letter (**CDE2**), dated 13 March 2020, to the Mayor of London in respect of the new London Plan, states under the sub heading 'Industrial Land':

“Planning clearly requires a judgement to be made about how to use land most efficiently, enabling sufficient provision for housing, employment and amenity. The Inspectors considered your industrial land policies to be unrealistic; taking an over-restrictive stance to hinder Borough’s abilities to choose more optimal uses for industrial sites where housing is in high demand’. I am directing you to take a more proportionate stance – removing the ‘no net loss’ requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply.”

3.15. This is very much the approach followed by the Appellant. It will upgrade existing commercial space, including office/studios and light industrial units, in the refurbished BTM units. It will deliver the construction of a new flexible commercial unit whilst also looking to maximise the amount of affordable housing achievable by developing a number of homes for sale to help fund both. It is an approach which will deliver more employment density than currently exists, and much needed new market and affordable homes.

3.16. I now refer to a number of examples where the Council/Inspectors have followed a similar approach to this to achieve an appropriate balance. The Committee reports/decisions are enclosed at **Appendix C**.

3.17. **Hampton Royal Mail Delivery Office** - On 28 October 2020, the Council agreed the principle of a mixed use residential/office scheme on this employment site owing to the existing condition of the site, and the viability of the investment required to make the site attractive to the market.

- 3.18. The applicant did not market the site but prepared a 'Marketing Report', by local agents Snellers.
- 3.19. The condition of the premises and the need for refurbishment and remedial works, which impacted on the viability, were accepted by officers in the committee report as valid; and it was agreed there was unlikely to be any viable commercial use for the existing building making the option of redevelopment of this site the most feasible proposition. It was accepted that an element of residential development would be required to underwrite the viability of developing offices in this location on a speculative basis.
- 3.20. Officers concluded that the mix of offices and residential proposed would not raise an in-principle policy objection regarding land use when considered as part of a planning balance.
- 3.21. The Officer's report notes that Policy LP37 (B) states planning permission will be granted for new residential accommodation where housing is meeting an identified local need, across a range of tenures, providing they are on a site and in a location suitable for that particular use, and in accordance with environmental, transport, parking and other relevant policies.
- 3.22. Officers concluded that the site currently represents an underused, brownfield site that can contribute to regeneration and to meeting with key planning policy objectives.
- 3.23. The application was supported by a viability assessment which concluded that because the proposal delivers employment floorspace, the scheme cannot deliver any affordable housing contribution. A nil contribution to affordable housing was therefore confirmed as in accordance with Policy LP36.
- 3.24. Overall, Officers concluded that the scheme delivers a net gain of 'six good quality

family residential units which are entirely appropriate for this predominantly residential location', which would contribute to the housing stock and would also deliver replacement employment floorspace of a superior quality to existing provision.

- 3.25. In the case of **Lockorp House** the Council made an exception to policy requiring marketing owing to the existing condition of the site, and the investment required to make the site attractive to the market. A residential consent in 2015 (14/0157/FUL) created a 'fall-back' position for a subsequent appeal decision for the replacement of the B1c industrial with student living accommodation in 2018, also without a marketing exercise. The proposal met an identified housing and the appeal was allowed.
- 3.26. At **1 High Street/ Myrtle Road, Hampton Hill** planning permission was refused (18/2649/FUL) on 20 October 2020 for demolition of B1c and erection of replacement residential units, including on a ground of insufficient viability evidence to justify the amount of affordable housing contribution proposed. None of the grounds for refusal related to land use.
- 3.27. Officers noted that the provision of affordable housing would be expected to mitigate the loss of employment land. However, the viability assessment put forward to justify the under provision of affordable housing was not considered acceptable and the planning application was refused.
- 3.28. Officers further confirmed that if the proposal was otherwise wholly policy compliant, redevelopment for residential purposes could be accepted. This was in part informed by a fall-back position allowing for change of use from B1 to C3 under an extant prior approval.
- 3.29. Planning permission was granted on appeal at **14 Elmtree Road and Somerset**

House, Teddington (10/1447/FUL) for redevelopment of an employment and industrial site for residential following refusal by Richmond on basis of not securing maximum affordable housing.

3.30. Officers accepted that the existing buildings were not attractive to potential users and lacked the utilities of modern business facilities.

3.31. Officers' preference was for affordable housing and contended that the development could viably support more than the 45% offered. It was therefore concluded that the scheme was not of sufficient benefit to allow the loss of the employment use.

However, the Inspector concluded:

"I do not underestimate the importance to the Borough of retaining such existing employment land as remains suitable for business use. But there is also a real and pressing need for the Borough to increase its provision of affordable housing. I have concluded that on the basis of the available evidence, this particular appeal site is not suitable for employment use. That being the case, it presents an opportunity to secure much-needed affordable housing, provided that a realistic approach is taken to ensuring that the development as a whole remains viable in the current economic climate.

While I can understand the Council's preference for the site to be developed for mixed residential and business use, that is not the scheme that is currently before me, and the evidence indicates that there is no realistic prospect of such a scheme being viable. Instead, what is presented is a scheme for residential development that would go a considerable way toward addressing the Council's affordable housing shortfall, and would also constitute a well-designed and attractive use of the land that would enhance the character and

appearance of this part of Teddington. I have not found any material considerations that would outweigh the proposal's compliance with the provisions of the relevant development plan policies." (my emphasis).

3.32. At **Station Road, Hampton**, planning permission (18/3804/FUL) was granted by the Council on 14 May 2019 for the redevelopment of the site (including loss of B2) to provide B1c and 9 residential units.

3.33. The site relates to land which comprised a car repair garage and ancillary MOT office, plus a fireplace and doors showroom. At the rear was a combination of single and two-storey workshop/storage buildings.

3.34. Officers confirmed support for this proposal, as it would provide well-located, flexible employment provision, suitable to meeting modern business needs, with residential flats above.

3.35. At **12-14 Church Lane, Teddington** despite a lack of marketing activity, planning permission was granted (18/1808/FUL) for redevelopment of B8 space to provide a 4-bed house. The Officer's report noted:

"The marketing information supplied in conjunction with the obvious drawbacks of the site, which relate to the width of the road and lack of ability for servicing, is considered to be acceptable in confirming that the site is unlikely to be of interest for any use within the B use classes."

3.36. A material consideration in the context of the Arlington site, and the stated reason for refusal 2, is the amount of B2 uses and B1 industrial uses; the condition of the accommodation and numbers employed; and the ability to use these units for other uses now within Use Class E. It is my view that with the introduction of Class E, the Council cannot prevent any units changing to the range of non-industrial or

employment uses within the amalgamated Class E.

- 3.37. I have set out at **Appendix D** a schedule of units and tenants over the last 10 years or more and the activities they were/are engaged in and the relevant use class. This is confirmed by the Appellant who has managed the site for the last 20 years. Each of these units can change to Class E under the saving and transitions provisions in the TCPA (Amendment) (England) Regs 2020 either under permitted development (where they are B2 or B8) or because they already fell into B1 and are now therefore Class E.
- 3.38. Three of the units can be considered as B2 general industrial (<20% of units) at the current time due to the impact on the surroundings from the activities carried out and the period of occupation. This is based on the nature of the operation and complaints received about noise from Twickenham Studios. A small number of the units are B8 as noted in the schedule.
- 3.39. The existing lawful Class E uses, combined with those units which could change to Class E without planning permission, are such that the Council cannot sustain an argument on loss of industrial space, whether B1c, B2 or B8. Despite this, the Appellant has offered to the Council to commit to Class E(g) uses through the s106 or by condition. This in my view represents a planning benefit.
- 3.40. In my view, Policy LP42 is satisfied as the Appellant has demonstrated that there is not a loss of an industrial site or floorspace based on the existing mix of uses on site, the 'fall-back' position and the fact that the proposal will provide 610sqm of new and refurbished Class E(g) employment space, which includes light industrial. These units will be suitable for a range of local small and medium (SME) businesses including creative industries, recording studios, office/workspace etc. This is supported in the evidence from Mr Weeks.
- 3.41. The approach required under LP42 has been followed by the Appellant. The appeal

scheme will protect this as an employment site. It will ensure the retention and long-term future of this now outmoded site to provide employment space for local businesses. The Council acknowledge that it needs this type of space in its recent Direction of Travel document for its new local plan (**CDE13**). In addition, the scheme will provide much needed residential accommodation including affordable housing. This is appropriate on an under-utilised, brownfield site in a residential area close to a local centre.

- 3.42. A marketing report was provided by Mr Weeks to accompany the application explaining the current situation, the condition and lettability of the units and why the proposed commercial units would be attractive to the market. He concluded that the existing site and the existing accommodation wouldn't be suitable or appropriate for marketing in these circumstances.
- 3.43. The approach is consistent with Policy LP42C which states: "Development of appropriate scale industrial uses, and improvement and expansion of such premises, is encouraged. New industrial space should be flexible and adaptable for different types of activities and suitable to meet future needs, especially to provide for the requirement of local businesses".
- 3.44. Although the Reason for Refusal refers to Policy 4.14 of the London Plan in addition to Policy LP42 of the Richmond Local Plan, there is no policy 4.14. I have taken it to mean Policy 4.4 of the London Plan. This policy is titled Managing Industrial Land and Premises and it is my view that this policy (see **CDB2**) is satisfied by the proposal as it will a) provide for industrial and related uses on site in good quality and affordable space and b) help meet other strategic and local planning objectives, namely the provision of housing, including affordable housing.
- 3.45. The relevant policy in the new London Plan is Policy E4. The recent Directions from the Secretary of State, dated 10 December 2020 (**Appendix E**) again make it clear

that the delivery of housing is the priority in London and the 'no net loss' of industrial floorspace policy in SIL and LSIS (Direction 4) should be removed to help achieve this. Instead intensification and co-location of industrial space with other uses is encouraged. Although not in an identified SIL or LSIS (these are higher order industrial sites), this is what is proposed for Arlington by refurbishing and modernising the existing accommodation and building new space at greater employment density, combined with market and affordable housing.

- 3.46. As such, it is my evidence that this proposal should be supported. It is policy compliant as it will provide new and refurbished employment space, bringing back to life BTMs and allowing for more intensive use. It will be suitable and affordable to the local market, particularly SMEs. It will also enhance the amenity of the area as it will be appropriate in a residential area and a good neighbour to other businesses.

Effect on the character and appearance of the site and area, and the free and safe movement of vehicles, pedestrians and other road users in the vicinity

Character and appearance

- 3.47. This issue is addressed in detail by Mr Howe in his evidence. It is apparent that the existing site detracts from the area in a number of ways in terms of both the character and appearance. The heritage assets, comprising the conservation area and Buildings of Townscape Merit (BTM) are harmed by the current condition of the site and will be enhanced as a result of the proposed development. The reduction in noise will benefit both Twickenham Studios and local residents. Overall the character and appearance of the area will benefit from this well designed, mixed use development.
- 3.48. The development will enhance the setting of the nearby St Margaret's Conservation Area and the BTMs. The retention and enhancement of the BTM 'Mews' buildings is

a planning/heritage benefit. Similarly, the removal of the existing poor quality buildings and telecomms mast will enhance the setting.

3.49. The Council has acknowledged that notwithstanding the in-principle objections raised with regard to the use of the site, the removal of the existing steel-clad buildings and refurbishment of the BTMs would offer an opportunity to enhance the appearance of the application site.

3.50. In addition, the Council has noted that it is not considered that the proposed development would detract from the significance, including the setting of any designated heritage assets.

3.51. As such, the proposals are in accordance with policy, particularly the NPPF and Policy LP1 and Policy LP4 of the Richmond Local Plan 2018 and the Design Quality SPD.

Highways Impact

3.52. Twickenham Studios have set out that the development will impact on the operation of their business by removing car parking and this is supported by local residents who are concerned about the effect on the local streets. The Council has accepted that the parking/highways effect will not cause harm and is policy compliant. This is dealt with in detail in the evidence of Mr Turner from Caneparo Associates.

4. Other issues

Whether or not the proposal would make adequate provision for affordable housing

- 4.1. Housing affordability is an acute issue in Richmond with the average house price being 18 times the average working person's income. Richmond is the sixth most expensive London Borough and most expensive Outer London Borough for purchasing residential property. I refer to the evidence of Mr Wood in this regard as well as general housing need.
- 4.2. The Council's Strategic Housing Market Assessment ("SHMA") (2016) (**CDE30**) identified a net need of 964 affordable homes per annum between 2014 to 2033. Between 2014 and 2020 the Council has delivered just 52 affordable dwellings per annum. This is just 5% of its identified need over this period. The need for affordable homes in the Borough remains substantial and growing all the time.
- 4.3. It is evident that affordable housing delivery is not currently meeting need, which places great importance on schemes delivering affordable housing. The provision of affordable homes is therefore a significant benefit of this scheme.
- 4.4. The proposed affordable housing provision of eight new homes (33.3%) has been informed by a Financial Viability Appraisal by Grimshaw Consulting ("Grimshaw") and three independent reviews by Bespoke Property Consultants ("Bespoke"). The Council has been offered and agreed an alternative approach to provide affordable rent units. The Appellant has approached local registered providers, and Richmond Housing Partnership has expressed a keen interest in the site and the accommodation proposed. Discussions have also taken place regarding possible grant funding and the implications of this on the mix. Agreement has been reached

with the Council on this matter subject to the s106 Obligation. Mr Grimshaw sets out in his Position Statement at my **Appendix F**, the progress made, the nature of the provision and the principle of a review mechanism, all to be secured through the S106 Agreement.

- 4.5. On this basis a policy compliant affordable housing scheme is proposed. Bearing in mind the acute nature of the unmet affordable housing need in the Borough, this should be given substantial weight in the planning balance. This is in accordance with Policy LP 36 Affordable Housing, Section 5 of NPPF and Policy 3.12 of the London Plan and Policy H4 of the New London Plan.

Whether or not the scheme would provide an appropriate mix of uses and the effect on safety and amenity

- 4.6. The Reason for Refusal 5 refers to an unacceptable co-location of uses giving rise to conflicts between users. It is alleged that this will be to the detriment of the proposed commercial use operation and the safety/amenity of the proposed residential occupants. I haven't seen any justification for this from the Council and fundamentally disagree that this mixed use development will give rise to any such impact. This is a view supported by the design evidence from Mr Howe and highways evidence of Mr Turner.
- 4.7. The proposed development involves the efficient use of land, which accords with a key element of policy at all levels. Mr Howe in his evidence explains how the scheme has been designed such that appropriate distances are achieved between buildings, good levels of daylight/sunlight and privacy is ensured for residents. All flats will have private or communal outdoor space which will receive good levels of light. Residents will be protected from noise through appropriate insulation and ventilation. As a B1 (Class E(g)) development is proposed this will be a use which is appropriate in a residential area.

- 4.8. The Council as highway authority has accepted that the layout and parking/servicing is appropriate for the site and has not suggested that this will cause highway safety issues. We are not aware that any evidence is being presented by the Highway Authority to the contrary.
- 4.9. As such I do not believe that the Council can sustain this reason for refusal.
- 4.10. The proposed residential-led mixed use development is appropriate for this site and is of a form and nature not unusual in the Borough. Indeed, such a mixed use approach is generally encouraged and supported. For example, the NPPF at para 117 and 118 sets out how decisions should support the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It states that mixed use schemes should be encouraged and that 'substantial weight' should be given to 'using suitable brownfield land within settlements for homes and other identified needs'.
- 4.11. It is important that employment land is retained close to residential areas to provide a choice of employment opportunities within the Borough now and in the future.
- 4.12. The co-location of residential and B1/Class E(g) commercial uses would not cause conflict between users.
- 4.13. An operational hazardous waste use would represent an inappropriate use at this site, so would continued or additional B2 uses by definition. This judgement is based on a large number of complaints received over a significant period. Despite this, the Council maintains that such uses should be protected in this location, close to sensitive receptors including existing residential neighbours and Twickenham Studios.

- 4.14. The Reason for Refusal refers to Policy 4.3 of the London Plan but this supports mixed use development. Similarly, the new London Plan at Policy GG2. The Reason for Refusal also refers to Policy LP1(A.6.) and LP35 (A) of the Local Plan. Policy LP1 refers to Local Character and Design Quality with subsection A.6 of the policy relating to the suitability and compatibility of uses. I cannot see any evidence that the collocation of uses proposed will cause harm. I believe it is a well-considered and designed scheme achieving an appropriate and positive balance. LP35 (A) is concerned with housing mix and standards and the Council has agreed that both are acceptable. A mix of flat sizes and tenures is proposed in order to deliver much needed new homes in a sustainable and safe environment.

CO2 emissions

- 4.15. A carbon offsetting S106 contribution has been agreed with Council in accordance with Council policy.

Provision for children's play space

- 4.16. As stated within Policy LP31, policy and guidance allows for financial contributions towards off-site play space provision where site constraints prevent on-site provision.
- 4.17. The site is well served with parks and gardens which contain play space within a 15-minute walk of the site, including Moormead and Marble Hill Park.
- 4.18. A financial contribution towards the off-site provision of play space within a nearby park/open space to make up any identified and reasonable deficiency has been discussed and agreed with the Council and will be secured through the Section 106.

Possible implications of the development for the continuing operation of Twickenham Film Studios

- 4.19. The Appellant attempted to engage with Twickenham Film Studios following comments made during the pre-application exhibition held on 12 June 2018 about possible impacts during construction. Following the exhibition and prior to submission of the application, I attempted to progress this dialogue with Twickenham Film Studios by contacting their Chief Operating Officer to arrange for myself and the Appellant's Acoustic Consultant to visit the site. I made initial contact with Twickenham Film Studios on 30 July 2018.
- 4.20. As my evidence in **Appendix G** details, I made numerous attempts to arrange this site visit with the Appellant's Acoustic Consultant and by October 2018, had failed to agree a time, with Twickenham Film Studios cancelling the last attempt with very little notice. Had the Studios been agreeable we could have worked together in a collaborative way to alleviate their concerns about construction impacts. Instead they simply refused to engage. My view is that this can be covered through a condition, by a detailed Construction Management Plan (CMP) to manage noise and other effects during construction.
- 4.21. It is relevant to note that Twickenham Film Studios have made no secret of the fact that they would like to acquire the Appellant's site. Indeed, Twickenham Film Studios submitted an objection on 2 October 2018 specifically stating that:
- "Please note that my client wishes to acquire the entire application site in order to expand the existing studios."
- 4.22. It goes on to state that:
- "The owners of the application site have refused to sell to our client and have instead submitted the above application for a

mixed use development. I should point out that client is in the process of preparing an application for submission to the Council which seeks planning permission for the redevelopment of the site as outlined above. “

4.23. At the Planning Committee on 18 September 2019, the Studios' Chief Financial Officer, Roger Sewell stated that:

“We have made an offer for that area and would put it into that use for the commercial use of the studios should we be successful. I have to say that our offer has so far been ignored”.

4.24. The Appellant supports Twickenham Film Studios as a fellow local employer and neighbour. Indeed, they have been reasonable in letting space to them over a number of years. They do not accept however that the suggested expansion of Twickenham Film Studios onto the Arlington Works site should be a material planning consideration.

4.25. The Appellant also challenges the assertion that construction works will cause Twickenham Film Studios to be unviable. As noted above, a CMP will be put in place, by condition to address this. At the Planning Committee of 18 September 2019, Roger Sewell stated that:

“The Applicant's application would mean that there could well be some serious sound issues during construction. Let me point out that our business 40% of it is audio based in post production and any intrusion or effect on our sound would in fact cease that section of our business, you might say well why don't you work round it for a few days, but I have to say the productions at that stage in their production cycle have very stringent timing issues about getting the production out any delay would mean that they

wouldn't come to us for that work.”

- 4.26. This information was presented without an Acoustic Report to support these assertions. A full transcript of the Planning Committee is provided within **Appendix H**.
- 4.27. There are a number of noisy industrial activities close to the boundary with the Studios which will cease as a result of the development – these tenants have received numerous complaints from the Studios and this redevelopment presents an opportunity to address this to the benefit of the Studios.
- 4.28. The Appellant has also set out that they would undertake the Considerate Contractors programme to ensure that they maintain good relations with all neighbours.
- 4.29. Any development at the site will result in some noise from development but there are means to mitigate this by condition.
- 4.30. I am aware that the Studios have a concern about the loss of parking as a result of the development. The parking spaces concerned are on land owned by the Appellant and have been leased to the Studios. The Appellant has shown how the Studios could re-arrange their parking on the access road to achieve five spaces (a net loss of two). The remaining 14 spaces within the application site will be used to provide affordable housing. The Council as Highway Authority, and the Appellant's highways consultant do not consider there to be any harm to highway safety as a result of the loss of these spaces.
- 4.31. The two representatives from the Studios who addressed the Planning Committee openly stated to the Council that if the application was approved they could be forced to leave the Borough. In a situation where they have stated they wish to acquire the site, I question whether this represents a conflict and the objectivity of

the planning arguments put forward.

- 4.32. In terms of the agent of change principle raised by the Studios, I see no reason why future residents or occupants of the development should have concerns with either the Studios' business (which we understand to fall within Class E or previously B1) or those planned for the development. By limiting the use on the application site to B1 or the new Class E(g) the future effects on the Studios will be improved from the current situation whereby complaints are received at the moment to some of the activities taking place at the appeal site. As such, the policy consideration set out in the NPPF is satisfied.

5. The Planning Balance and Conclusions

Housing need

- 5.1. It is apparent from the evidence of Mr Wood, that there is significant unmet housing need in the Borough, particularly for affordable housing. As noted by Mr Wood, it is national policy to prioritise the delivery of housing, and this is highlighted in London through the recent ministerial directions in respect of the London Plan. The London Plan, published on 21 December 2020 has now moved a step closer to adoption in the light of these. In the SOCG it was agreed that it should be accorded 'considerable weight' and with the latest announcements and directions this should be given even greater weight in the balancing exercise.
- 5.2. This is further reinforced by the recent Ministerial Statement made by the Secretary of State for the Ministry of Housing, Communities and Local Government, on 16 December 2020. This states that 'We want to build more homes as a matter of social justice, of inter-generational fairness and as one of the best proven ways of creating jobs and economic growth'.
- 5.3. He goes on to state that 'We heard clearly through the consultation that the building of these homes should not come at the expense of harming our precious green spaces. We also heard views that this need can be better met in existing urban areas'. He states that there are good reasons for this including 'building more homes in our cities and urban centres will mean making the best use of brownfield land, of which many cities and urban centres have large quantities, and protecting our countryside as much as possible'.
- 5.4. The need for housing should be given substantial weight in the balancing exercise and the mixed use approach on the appeal site is entirely appropriate to achieve

both housing, including affordable housing, and employment space. Indeed, Mr Wood concludes that the Council cannot identify a five year housing supply against the new London Plan targets and as such the 'tilted balance' set out in the NPPF should take effect. As such, permission should be granted unless any adverse effects of doing so would significantly demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Presumption in favour of sustainable development

- 5.5. A key principle of the NPPF is the presumption in favour of sustainable development (paragraph 11). Section 11 of the NPPF states that that the planning system should encourage the effective use of land by re-using land previously developed (ie brownfield land) and the planning system should proactively drive and support sustainable development for new homes and other uses by promoting new development to encourage the re-use of land in urban areas and meet housing need as a priority.
- 5.6. The site is within close proximity to St Margarets' Local Centre which is identified within Policy LP34 as an area appropriate for increased residential development and Policy LP25 notes that Local Centres provide appropriate employment opportunities.
- 5.7. The effective, best use of sites, particularly in areas in the proximity to centres, is clearly supported by the Development Plan, the London Plan and within the NPPF.
- 5.8. The proposed re-development of this site, with much needed new housing and employment uses suitable to a residential area, is supported by the NPPF, The London Plan and Richmond planning policy.

Merits of the proposal

- 5.9. There are significant planning benefits arising from the proposed development which should be taken into account in the overall balancing exercise. These include the following:

- The development comprises the use of previously developed, brownfield land including the re-use and enhancement of heritage assets.
- The efficient use of land, making better use of an under-utilised site to deliver more employment than existing (approx. 50 persons compared to 17.5 currently based on standard densities for B1 space).
- The provision of housing, including affordable housing.
- Development in a sustainable location.
- Provision of high quality design, enhancing the setting of the BTMs and conservation area.
- Provision of mixed use development providing both B (E(g)) class and C3 class uses
- Removal of uses which harm the amenity of neighbouring uses, including hazardous waste.

5.10. These benefits should be given substantial weight in the overall balancing exercise and I conclude that the proposal is compliant with national, regional and local policy to deliver more housing, economic growth, high quality design, protection and enhancement of heritage assets, and sustainable development. Even if concern is raised regarding waste capacity or slight quantitative reduction in employment floorspace, this is more than outweighed by the planning benefits identified. If it is agreed that the tilted balance is engaged then this places even more emphasis on the appeal being allowed and planning permission granted.

Appendix A

Certificate of Lawful Use or Development

94/2139/S191

The^(a) London Borough of Richmond upon Thames Council

hereby certify that on^(b) 23rd August 1994

the [use] ~~[operations]~~ ~~[matter]~~ described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and [edged] ~~[hatched]~~ ~~[coloured]~~ ^(c) RED on the plan attached to this Certificate, [was] ~~[would have been]~~ lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason[s]

The use began more than ten years before the date of this application.



Principal Planning Officer

Signed
authorised officer

On behalf of^(d)

Date 18 October 1994

Delete any words in square brackets which do not apply

FIRST SCHEDULE ^(d)

Use for the refining of waste oil (other than petroleum or petroleum products) (to include the use of fuel storage tanks in this connection).

- (a) Insert name of Council
- (b) Insert date of application to Council
- (c) Insert colour used on plan
- (d) Full description of use, operations or other matter, if necessary by reference to details in the application or submitted plans, including a reference to the use class, if any, of the Use Classes Order within which the certificated use falls

CONTINUED OVERLEAF

SECOND SCHEDULE (e)

Land at Arlington Works, Arlington Road, Twickenham

Notes:

- 1 This certificate is issued solely for the purpose of section [191] [192] of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the [use] [operations] [matter] specified in the First Schedule taking place on the land described in the Second Schedule [was] [would have been] lawful on the specified date and, thus, [was not] [would not have been] liable to enforcement action under section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the [use] [operations] [matter] described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any [use] [operations] [matter] which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.]

Delete any words in square brackets which do not apply

(e) Insert address or location of the site

LONDON BOROUGH OF RICHMOND UPON THAMES

1994

Planning Transport and Client Services PLANNING

94/2139/5191

CHAIN LINK FENCE ON TOP BUND WALL

GD. FL. WORKSHOPS
1ST. FL. DISUSED

rwp

1500 gal. OIL/WATER SUMP

20

225 mm FOUL DRAIN

fall

rwp

OFFICE
1ST. FLOOR

FIRE PUMP

100 mm DRAINAGE GRATING

UNLOADING BAY

SITE INFORMATION BOARD

BUND WALL
0.6 m HIGH

1.8 m HIGH WALL

EMPTY DRUMS
TO BE REMOVED

GD. FL. WORKSHOPS
1ST. FL. DISUSED

CANTEN
LAB. CLOAKS

BOILER
HOUSE

STORAGE OF DRUMS
TO BE EMPTIED

fall

POSITION OF METAL SKIP



LOW WALL

GATE SEE C

APPROVED

SINGLE STOREY WORKSHOP

1.8 m HIGH FENCE

Appendix B

Fire rips through oil depot

Fire crews battled to douse 50ft high flames which engulfed a motor oil reclamation depot.

Four tanks containing more than 100,000 gallons of waste oil caught fire at Sharpes Recovery Service in St Margarets.

Staff from the neighbouring Twickenham Studios were evacuated as huge clouds of thick black smoke drifted into adjoining houses.

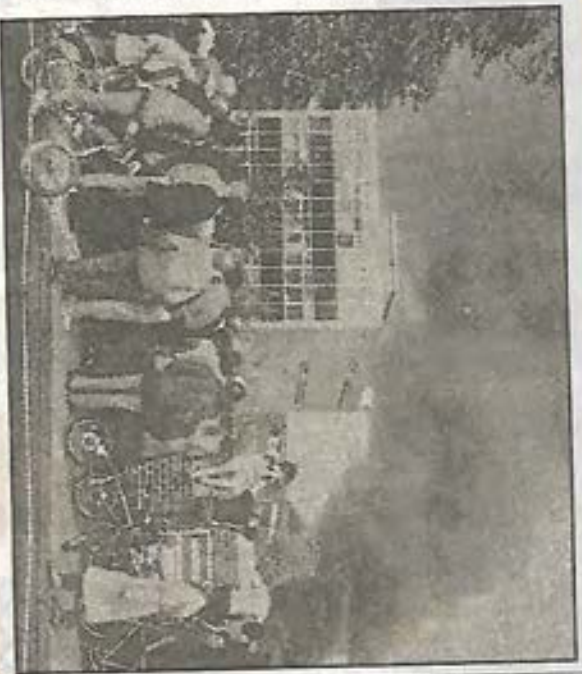
The intense heat of the blaze drove some people from their homes, while foam used by firefighters to keep the tanks cool shot into gardens

and on to rooftops. Railway services to St Margarets were severely disrupted.

Large crowds, many of them children on half-term holidays, congregated at places around the exclusion zone to watch the drama.

Some were sprayed when one of the hoses burst. After the site was declared safe, assessors sifted through the debris to establish the cost of the damage and the cause of the fire, which raged for more than five hours.

Plumes of smoke: Crowds congregate at St Margarets Bridge to see the blaze



memories and old pictures to share with our readers? Do you have a reunion coming up? Anniversary? Are you trying to trace someone? Write to Richmond and Twickenham Times, 100 Twickenham Road, Twickenham TW1 3SZ, email rti@london.newsquest.co.uk including a telephone

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Oil tank blaze closes roads

FIFTEEN fire engines were called in to douse flames fifty feet high which engulfed a St. Margaret's motor oil reclamation depot on Wednesday.

Four tanks containing over 100,000 gallons of oil caught fire at Sharpes Recovery Service at about 1.45 p.m. Staff from the neighbouring Twickenham Film Studios were evacuated in the wake of huge clouds of black smoke which drifted into adjoining houses.

The intense heat drove some occupiers from their homes while foam used by firefighters shot into gardens and on to rooftops.

Railway services throughout St. Margaret's were disrupted throughout the afternoon and nearby roads were closed off by police.

A spokesman from the London Fire Brigade said: "The area was dampened by spray jets to keep the tanks, which contained waste oil, cool."

Large crowds, many of them children on half-term holiday, gathered to witness the blaze, some of whom were showered when one of the hoses burst sending water shooting across the road.

Residents living in houses close to Sharpes complained about the potential fire hazards as long ago as 25 years. The firm specialises in refining used motor oil.

Assessors were today sifting through the debris to establish the cost of damage and cause of the blaze which raged for five hours.

Chairman of Richmond Council's General Purposes committee, Cllr Mike Lands, met a representative of the Health and Safety Executive, the national authority responsible for the site, at his request last night.

He said before the fire: "I have been concerned for two months or so about the activities in the reclamation firm, because of complaints from residents about a strong smell emitted."

"I shall ask what arrangements were taken to control the activities of the firm and shall also ask the Health and Safety Executive to ensure that no work proceeded at the site which constituted a danger or nuisance."

FOOTNOTE: The fire's casualty was a little boy who in his excitement to see the fire, tripped over a curb and had to have stitches in his knee.

Mayor's eye view



"NO98 with our bigger major can dispense with the late sitting."



A TEAM of firemen on their way to tackle the blaze which went on for several hours in St. Margaret's on Wednesday afternoon.

tives crushed

INSIDE PAGES 12-20

Oil blaze sparks evacuation

TWICKENHAM Film Studios were evacuated last week when tanks containing a quarter of a million litres of oil burst into flames in St Margarets.

BY GUARDIAN REPORTER

Fifteen pumps, three foam tenders and a hose-laying lorry from as far afield as Mill Hill and Shorehitch rushed to the scene to tackle the blaze at Sharpe Recovery Service in Arlington Road behind the 70-year-old studios.

The fire halted work on the film "Vacation 11" and the re-make of "The Dirty Dozen", which are being shot at the Studios.

Black smoke billowed over Richmond and Twickenham and huge flames could be seen leaping above surrounding rooftops as more than 80 firemen battled to control the flames.

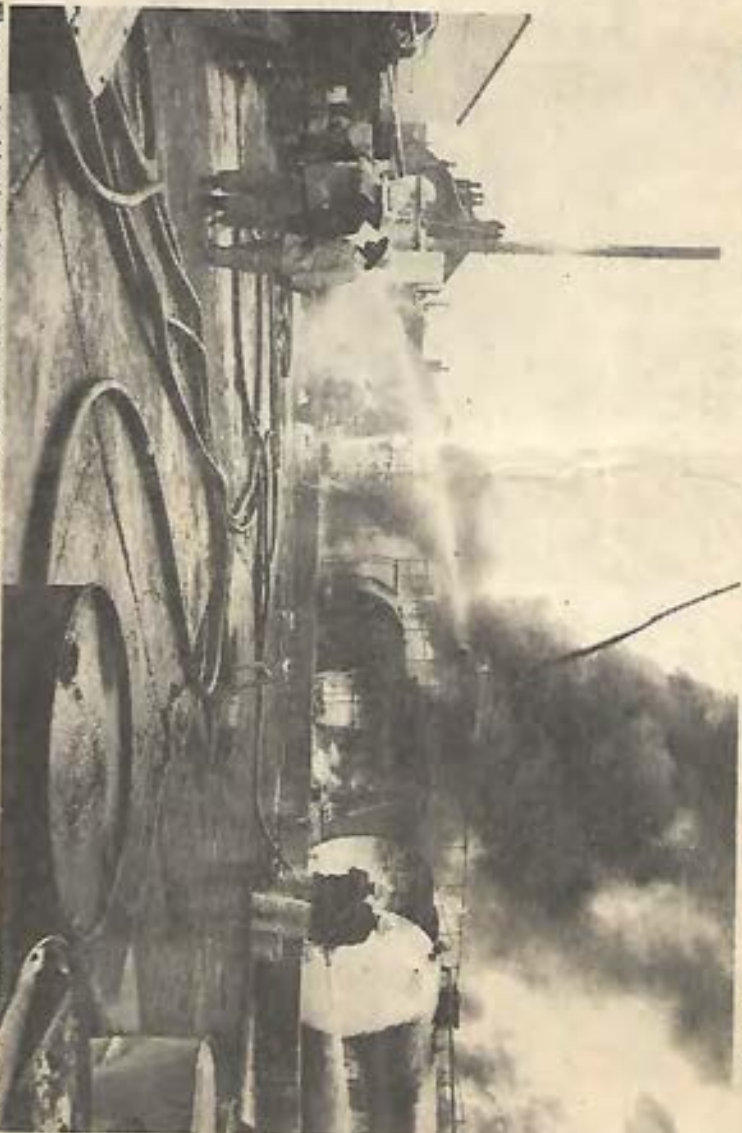
The cause of the fire is not yet known, but one theory is that sparks from cutting equipment being used nearby might have started the blaze. At least two of the

tanks, which contained waste motor oil awaiting refinement, are thought to have ruptured.

As firemen doused the blazing tanks, the water authorities had to divert resources to St Margarets from other areas to cope and 500 gallons of additional foam was commended as back-up.

The fire was finally put out at 5pm and residents were allowed back into the nearby flats and houses threatened by the blaze.

No one was hurt in the fire but road and rail traffic in the area was disrupted for several hours and a pall of smoke hung over the borough, stretching as far afield as Teddington.



Firemen tackle the blaze behind the film studios

Picture: STEVE SWACE

Inquiry to decide future of stables

AN INQUIRY is to be held to decide the future of a Petersham stables who were ordered to end their activities as a riding school.

It follows an appeal by Manor Farm Stables against Richmond council's order to demolish the stable block in Petersham Road.

An application for planning permission to demolish existing buildings and build a new stable block and car park for use as a

riding school and livery stable, was turned down last December.

It was felt that the new building would be unsightly from the grounds of Ham House, and the increased activity on existing bridleways would be detrimental to others using the paths.

Local residents and property owners affected by the proposals will be given a chance to air their views when the inquiry is held on December 4.

Fury over new home for disgraced ex-councillor

A FURIOUS row is brewing in Whiston over disgraced former Richmond councillor Ray Gilliam.

The man who resigned after a series of shock revelations about his past recently sold his \$50,000 house in Pauline Crescent to pay off his debts.

Now Mr Gilliam and his family are to be rehoused by the Council amid angry claims from neighbours

that he has jumped the housing queue.

A Whiston woman who does not wish to be named told the Guardian the "whole town was up in arms" after learning Mr Gilliam is to move to a housing estate, believed to be Fielding Avenue, Twickenham, with his wife and two children.

"This is an embarrassment to the Council," she went to the Council to demand that the disgraced councillor should be rehoused elsewhere.

said: "The man got himself into debt — now he is being given the opportunity of a council home. A lot of people have been on the housing list for years and

years.

But Richmond council strongly denied claims that the former councillor had been given preferential treatment.

homeless family in the same way as three homeless families a week are housed," said housing manager Ken Sharp.

"There is no question of any homeless family jumping the queue as by law the Council is required to provide accommodation immediately for

A crafty afternoon

LIVE demonstrations of every craft from candle-making to calligraphy will be held this Saturday afternoon at Hampton Hill Junior School. The annual exhibition of local arts, crafts and hobbies is organised by the Hampton Hill Association. Local craftsmen will be giving demonstrations of their skills from 2pm to 6pm.

Animal aid

LONDON Zoo have come up with a novel idea for Christmas — every one of their animals is up for adoption. A special Christmas package for adopters has been put together, with a certificate, a card from the adopted animal, a Zoo newsletter and, for the first fundraiser, a small gift from the Zoo. The cost of adoption varies from £10 a year for a fish to £5,000 for an elephant.

Details from Caroline Jenm, Adopt An Animal, London Zoo, Regent's Park, London NW1 4RY.

Fine tuning

A HAMPTON firm have won a further contract from the Ministry of Defence, bringing their total orders this year to £2 million. SAMP (UK) Limited have been asked to supply 24-volt nickel-cadmium batteries to power

Three hour battle at oil storage blaze

FIREMEN fought for more than three hours to bring this blaze under control which resulted in the nearby Twickenham Film Studios being evacuated.

Three foam tenders, a hose-laying lorry and 15 pumps from all over West London rushed to the scene to tackle the blaze at an oil storage works.

Ironically the fire brigade had inspected the premises earlier in the day and everything was said to be in order according to the boss of the premises.

But a spark from an oxy-acetylene lamp being used to clean brackets on the tanks had caught the lagging surrounding them. Within seconds the flames had run up the side of one of the tanks and black smoke was pouring out hundreds of feet into the sky.



● Twickenham Film Studios were evacuated as a result of this fire.

CONSTRUCTION — THE MAIN KILLER FOR WORKERS — AND NOW A THREAT TO PUBLIC

NOT only did construction kill more workers than any other industry in 1983, it was also responsible for the deaths of eleven members of the public.

Latest Health and safety

Roofer blown off tank by explosion

A roofer was blown into the air when the oil tank he was working on exploded last Wednesday morning.

Residents living near Arlington Road in St Margaret's were shocked to hear the explosion around 10.50am. When fire crews from Twickenham, Rich-

mond and Heston arrived at the Sharpe Refinery Service, they found the worker stunned but unhurt.

The sub-contractor employed by Sharpe to insulate a 10ft by 15ft tank was blown off the tank's roof after using a blow torch to seal some cladding around it. But

the tank contained a mixture of water and oil and it is thought the heat caused the roof to rip off like a sardine tin.

Twickenham fire sub-officer Mark Gurney said: "First reports were there had been a fire and an explosion and we certainly received a lot of phone-calls from peo-

ple who heard the noise. By the time we got there the flames were out and all we could do was make the place safe."

Managing director of Sharp Refinery Service, Brian Roads, admitted he thought the 36,000 litre capacity tank was empty at the time when it fact it contained 4,000

litres of water-soluble oil. He said: "It was being insulated to conserve energy and we thought it was safe."

"The roofer was blown through the air but luckily was unhurt. He's back at work and I must stress that we try to adhere to the strictest safety rules."



Safety fears after oil explosion

SAFETY at an oil storage depot is under investigation after a workman using a blow torch caused a fume filled tank to explode.

Debris was scattered across the site, off Arlington Road in St Margaret's, when the oil storage tank blew up last Wednesday morning.

Luckily the workman escaped serious injury, but the cause of the explosion is now being investigated by the Health and Safety Executive and the Government Environment Agency.

Cllr Laurie Mann, who represents East Twickenham and St Margaret's ward on Richmond Council, said residents were worried after the incident.

He said: "I am told that the explosion was caused by the use of a blow torch on the exterior of the tank - which, as it contained oil, was full of inflammable vapours and ignited."

Cllr Mann added: "I am no expert on the subject of oil storage, but I am slightly surprised that this possibility was not considered before whatever work was in progress commenced."

Local councillors and residents had previously opposed the renewal of the operating licence for the depot which is run by Sharpe Refinery Service.

Managing director Brian Roads said a workman was sealing lagging on the roofing felt of the tank, which was believed to be empty.

He said it was the first accident at the depot since a serious fire in 1984.

Mr Roads continued: "Some fumes managed to come out of the tank which was virtually empty and we did not believe there was fuel in it."

by GRAHAM HARVEY

He added: "We will be bringing in much more rigorous procedures."

Cllr Mann said: "If it cannot be given a completely clean bill of health, it should be closed using the powers available to the Government for that purpose."

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LEADER. 5th Feb.
1998

news

Blast at oil refinery

A WORKMAN with a blowtorch may have accidentally sparked an explosion at an oil depot near Twickenham last week.

The blast at 10.30am on Wednesday at Sharp Refineries Services in Arlington Road, St Margarets, left the worker shaken. But, amazingly, he was not injured.

Nothing was set alight but firemen were called to the depot, which recycles waste water and oil.

"Someone was carrying out maintenance work on one of the buildings and a blowtorch flame touched something that caused an explosion," said one fireman.

The incident has led to renewed calls for the depot to be closed.

Councillor Laurence Mann said: "It is essential that residents of this part of St Margarets can feel safe. If the site cannot be given a completely clean bill of health it should be closed using powers available to the government for that purpose."

His colleague Councillor Mike Rowlands said: "Mercifully no one was hurt. The workman at the centre of the blast was shaken but uninjured."



SCENE OF EXPLOSION: Residents have safety concerns

The depot was at the centre of controversy when councillors and residents opposed the granting of its operating licence, which finally went through in 1995 after a six-year battle.

Owner and managing director Brian Roads said a workman had been using a blowtorch while lagging a rectangular tank.

He said: "The tank was virtually empty. It contained a watery liquid, but not petroleum because we are not licensed to handle petroleum."

He said that he should have been on site before the worker started, but he had been doing his accounts to meet the Government's January 31 tax deadline.

Mr Roads defended the company's safety record. He said: "In 1984 we had a small fire caused by a sub-contractor but we have had no accidents since then. We are not high risk."

A council spokeswoman said: "Our environmental health people will be inspecting the site."



A WEEK after the demolition of Three Pigeons pub was gutted by a huge blaze, Richmond Council increased pressure on the site owners to restore the building to its former glory.

With the government's backing, the council has taken powers to force site owners. In entrepreneur Estates Ltd to secure the pub within a matter of weeks. If they do not act, the council can organise the work themselves and charge the company.

The move follows years of wrangling with Inentrepreneur, who have twice bid to put luxury flats on the site.

Council leader David Williams said: "We want to see building repaired and used as a pub and restaurant."

"It is on an important part of Richmond riverside, and should be used for public benefit."

"Now Inentrepreneur will understand we are serious."

But an Inentrepreneur spokesman said: "We have written to the council and sought a meeting with them at the site."

"That should take place by the end of the week, at which point we can decide the most satisfactory course of action."

A police spokesman confirmed that inquiries are continuing into the huge blaze, which gutted the pub in the early hours of last Sunday morning (January 18th).

See also Pubs' Arson Fears page 16

OLIVER'S POISON-FREE PRODUCE

NO TOXIC PESTICIDES AFTER HARVEST

NO ARTIFICIAL FERTILISER RESIDUES

NO ARTIFICIAL COLOURING

NO CHEMICAL WAX COATING

IN NATIONAL LEAGUE 1970S published this week in which the borough's 11-year-olds were ranked third from 150 local authorities. Leading the way for Richmond-upon-Thames were two Catholic schools, St Elizabeth's in Richmond and St James's in Twickenham. St Edmund's RC in Whitton finished in the top ten of the 31 schools, while Sacred Heart RC in Teddington and St

down to Agnes' girls' dedication but added that a "strong Christian ethos" was a central factor.

"We have a high quality of personal relationships with a strong underlying notion of pastoral care here, and I believe this contributes to our achievements," she said.

Chf David Cornwell, Chairman of the Education Committee, dubbed the church school's dominance

they approach primary education.

"Catholics are strong on traditional family values and perhaps a higher standard of parenting fosters higher academic results," he suggested.

Other schools scoring highly include St Stephens C of E and Queen's C of E, along with county schools the Vineyard and Sheen Mount - where over 89 per

The news is likely to increase pressure for places on the already oversubscribed church schools which - unlike the borough county schools - have their own admissions policies.

Christine Brett, headteacher of St Elizabeth's revealed that the school has been oversubscribed for some years.

"Like many other schools in the borough, pressure has been increasing for years for places and as we are one form entry this is particularly difficult for us."

However councillors and education representatives have been

officer on the beat wears a conister on his hip, which disables suspects for up to 20 minutes.

The effects are intended to wear off leaving no lasting damage.

A police spokesman confirmed: "An officer may warn a suspect then use the spray at his discretion."

Officers have been trained to help people whose skin comes into contact with the spray.

CS spray was introduced in neighbouring Kingston last October. Since then officers have used it on four occasions.

The weapon was branded controversial after an asylum seeker died after being sprayed. A coroner at the inquest last autumn

Blast leads to call for refinery removal

AN explosion at a St Margarets oil refinery has led to calls from local councillors for it's closure.

The calls came after a workman standing on a steel tank accidentally ignited vapours inside it causing an explosion which disturbed neighbours.

The blast, which took place at Sharps Refinery Services in Arlington Road at 11am on Wednesday, was so strong that it split open a corner of the tank scattering debris across the yard but left the workman unharmed.

Chf Mike Rowlands arrived on the scene soon after the incident.

"Mercifully no-one was hurt. The workman at the centre of the blast was shaken but uninjured," he said.

their findings when they next inspect the refinery.

"It is essential that residents can feel safe, and if it cannot be given a clean bill of health, it should be closed using the powers available to the government for that purpose," he said.

According to Managing Director Brian Roads the tank was thought to be empty.

"We didn't know there were any fumes inside it and we should have checked first," he admitted.

"The workman concerned was working on insulation material covering the tank with a blow torch

to his car on the ninth floor of the car park in Paradise Road on Tuesday lunchtime when two men approached.

The suspects, aged about 28, who he had seen loitering in the same car park the previous day, grabbed the camera equipment he was carrying on his shoulder.

But the victim, from Preston in Lancashire, punched one man to the ground and poked the other man in both eyes with his fingers.

He grabbed his camera back, got in his car and sped off.

DC Canon said: "He did

However councillors and education representatives have been

Continued on page 17

Two lovely black eyes...

The incident has renewed calls from residents and councillors to close down the site, the scene of a more serious fire back in the early eighties.

Chf Rowlands said he will be pressing health and safety bodies to publish

to his car on the ninth floor of the car park in Paradise Road on Tuesday lunchtime when two men approached.

The suspects, aged about 28, who he had seen loitering in the same car park the previous day, grabbed the camera equipment he was carrying on his shoulder.

But the victim, from Preston in Lancashire, punched one man to the ground and poked the other man in both eyes with his fingers.

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DC Canon said: "He did

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 400g of Cream
 500g of Cream
 600g of Cream
 700g of Cream
 800g of Cream
 900g of Cream
 1000g of Cream

Have a nice

Appendix C

APPLICATION	20/1025/FUL
ADDRESS	Hampton Delivery Office, Rosehill, Hampton, TW12 2AA
PROPOSAL	Demolition of existing delivery office and redevelopment of the site for mixed use development (Class E Offices and Class C3 Residential) comprising 6 residential townhouses of 2 storeys + roof in height (ground inclusive) and a building of two storeys + roof in height (ground inclusive) providing two employment units, along with associated landscaping and car and cycle parking and refuse storage.
APPLICANT	SN Developments Ltd
AGENT	Montagu Evans
CONTACT OFFICER	Andrew Vaughan
APPLICATION RECEIVED	10.04.2020
WARD	Hampton Village

https://www2.richmond.gov.uk/lbrplanning/Planning_CaseNo.aspx?strCASENO=20/1025/FUL



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Do not scale'

1. SUMMARY

The site is allocated within the Council's Adopted Local Plan as site SA.4, is on the brownfield register and has been previously used as a sorting office and is currently not in use and secured. The proposal would provide high quality residential accommodation and office/business space, making efficient use of this brownfield land in a sustainable predominantly residential location

close to several shops and services and would provide benefits, in particular the provision of much needed employment opportunities, including during the construction and the provision of an enhanced realm around the site.

The proposed development comprises of a new office building that would provide business space for small and medium sized businesses and would lead to the creation of 6 good quality and spacious family-sized homes all of which would easily meet and exceed the national described space standards (NDSS) and amenity space policy requirements.

The proposal has responded positively to the pre-application advice that was given by the Council and the design treatment is considered to have addressed concerns that were raised by Council Officer's at pre-application stage and to reflect the objectives set out in the NPPF, London Plan and the adopted Local Plan. Overall, the scheme is considered to provide an appropriate and well considered addition to the built environment on a currently unused site when considered as part of a planning balance. The design, massing and scale is considered to respect the immediate context of the area and to preserve and enhance the setting and character of adjacent residential dwellings and the Hampton Village Conservation Area (HVCA) of which it would form part.

The development has considered and seeks to preserve the amenity enjoyed by the occupants of adjacent properties, with a detailed BRE daylight and sunlight test showing that the scheme would be within acceptable parameters has been provided.

The scheme includes a range of sustainability initiatives, including a green roof, enhanced landscaping and ecological improvements, which would benefit the site and context. It will not harm any acknowledged interest of either local or regional importance and will provide an enhanced and attractive environment, repairing a significant gap in the urban fabric with full consideration and care taken to protect a TPO Oak Tree of high Amenity Value on the Rosehill frontage.

The Boroughs Transport Officer has confirmed that the car-parking, cycle-parking, proposed servicing and access arrangements to serve the development are acceptable and in accordance with adopted planning policy, and that the proposed development would not exacerbate local parking stress or lead to adverse highway conditions, with appropriate conditions and agreements in place.

On balance and subject to appropriate conditions, the proposal would meet the aims and objectives of the NPPF (2019), the London Plan (2016), as well as all applicable local policies from the Local Plan and Supplementary Planning Guidance.

It is recommended the Planning Committee authorises the Assistant Director (Planning & Transport Strategy):	
1.	To grant planning permission with the conditions listed in Section 11 of this report.

2. REASON FOR PLANNING COMMITTEE DETERMINATION

The proposal constitutes a major application and the officer recommendation is to approve contrary to the submitted written views of interested third parties. The Council's Constitution does not give the Assistant Director of Environment & Community Services (Planning & Transport Strategy) delegated powers to determine the application in the way recommended; such decisions can only be made by the Planning Committee.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The Site comprises an area of approximately 0.12 hectares and contains a single storey building of approximately 416 sqm that was previously used as a delivery office by the Royal Mail. The Royal Mail relocated from the site following a review of its assets. The pre-existing sorting and delivery operation has been relocated approximately five miles away in Ashford, Surrey.

The site is bound to the west by Rosehill, which is characterised by terraced housing. To the east, the site is bounded by Hill House Drive which is characterised by terraced and semi-detached housing. To the immediate north of the site is residential development fronting Rosehill and 3-4 storey dwellings fronting Hill House Drive. To the south of the site is terraced residential development, two storeys in height. The immediate surrounding context is therefore primarily residential in character. A large mature oak tree is located on the public highway on the western boundary of the site along Rosehill, this tree is subject to a Tree Preservation Order (TPO), confirmed in January 2020 (T1048 T1).

The Site has a PTAL Rating of 2 but is well served by public transport and located approximately 240 metres from Hampton (Stop K) bus stop, which is served regularly by the 111 and 216 buses. Hampton Train Station is also located 240 metres to the north of the site, which is served by South Western Railway, which provides regular services into London Waterloo. Despite the relatively low PTAL rating, the site is considered to be relatively well served by public transport options and can be considered to be a sustainable location.

The site is located in Flood Zone 1 and is therefore categorised by the Environment Agency to be at low risk of flooding. The building on the site is not listed but falls within the Hampton Village Conservation Area. There are two Grade II listed buildings/structures nearby – ‘Hampton Library’ (approximately 50m to the south) and the ‘Entrance Gates to Rosehill’ (approximately 120m away). The site is allocated as a development site under reference SA 4 within the Local Plan and this allocation supports a range of uses in principle including employment, social and community uses, and residential.

The site is visible in oblique views from Gander Green to the north east, which is a designated as Other Open Land of Townscape Importance (OOLTI). All trees are automatically protected due to the Conservation Area designation, but the most significant tree (and constraint) on the site is the Oak tree on Rosehill road, which is also protected by virtue of an individual Tree Preservation Order (Ref:F1 048). This is a protected tree of some significant local importance the proposed works to the boundary and surface have been specifically designed to protect the Root Protection Area (RPA) of this tree.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal involves clearance of the site and the demolition of the existing and now redundant delivery building to provide;

- Erection of a two storey + roof building containing two employment units (Use Class E);
- Erection of 6 x two storey + roof terraced houses (Use Class C3);
- Provision of car and cycle parking; and
- Creation of both private amenity space and communal amenity space.

The application proposal seeks to demolish the existing building to comprehensively redevelop the site for the proposed office use and new housing. In order to respond to both existing design styles to the north and the south, the proposed development contains a mixture of two plot types; a 3-storey employment building and a row of six two-storey town houses, with accommodation into the roof.

Residential Units

A total of six town houses would be provided, all of which would comprise five habitable rooms.

The town houses are located to the south of the employment building and are positioned in a row that is set back slightly from Rosehill, with car parking and small gardens fronting the street. The terraced houses are also two storeys with accommodation in the roof.

Employment Unit

The application proposes a total of 428 sqm (GIA) of office employment floorspace (use Class E) to be located on the ground floor of the building located to the north of the site.

The office building is proposed on the northern part of the site and its form would respond closely with the neighbouring building of No.21 Hill House Drive. The massing of the building is two storeys in height with further useable space in the inset roof and has two separate cores serving the two units proposed over all three floors. The employment units within the building are dual aspect, east/west facing onto Rosehill and Hill House Drive respectively.

The units would be high quality and built fit-for-purpose for an office user – a use which would be much more appropriate to its surrounding predominantly residential context than the previous use of the site as a sorting office. From an employment perspective, it would create employment at least equivalent and which is likely to be increased over the previous sorting office use. Despite the existing unit being currently vacant and therefore not currently making any contribution towards employment in the borough, there will also be no loss of jobs on the site from when the unit was occupied as the post office use has been relocated elsewhere. The proposals therefore provide both a qualitative and quantitative improvement in employment stock in the area.

The unit would benefit from dedicated refuse, car and cycle parking.

Car and Cycle Parking

The proposed development would provide six off-street car parking spaces for the residential units accessed via Rosehill (one per unit). Each terraced house will be served by one off-street parking space accessed via Rosehill. Two spaces would be designated to the commercial units (one per unit).

The proposal provides a total of 16 cycle parking spaces. Cycle parking will be located in a secure communal store for the employment units. For the terraced houses cycle parking will be provided within the shared curtilage of each property (2 per household).

Further details of the proposed car and cycle parking arrangements are provided within the Design and Access Statement and Transport Statement, submitted in support of the application.

Access

Residential access to the site would be via Rosehill, from the existing southern crossover which can be adapted to ensure that it is sufficient.

Access to the office block would also be via Rosehill, from the existing northern crossover.

Energy

The development has been designed to meet energy policies set out by the GLA and the LBRUT. As demonstrated in the Energy Statement prepared by XCO2 the scheme provides

CO2 savings for the Site of 60.9% over the Building regulations, which would well exceed policy requirements for the six houses and separate employment use.

Landscaping and Amenity

The proposal provides a mixture of private and communal landscaped amenity space.

By way of residential private amenity space, each of the terraced houses would benefit from private garden spaces, which would well exceed adopted amenity space standards.

Planning History

Relevant Pre-applications

18/P0032/PREAPP – The thrust of the advice given was that the Council was generally supportive of the development in principle albeit with discussion needed regarding the proposed design and to formulate an appropriate scale.

The pre-application advice provide was supportive of the scheme and the main comments raised were:

- Amending the western building so that it comprises entirely office (Use Class E) floorspace (428 sqm);
- Reverting to off-street parking to ensure that there is no loss in on-street spaces along Rosehill;
- Various Design amendments in accordance with discussions with officers, including the Conservation team to ensure that the scheme conserves and enhances the Hampton Village Conservation Area; and
- Necessary amendments to ensure the protection of the trees present that are of significance.

Relevant Planning Applications

Two planning applications considered to be of no direct relevance were approved in 1989 for minor changes to the existing building.

89/1964/FUL: Two Storey Extension to Main Sorting Hall. **Granted permission 21/11/1989**

89/0793/FUL: Closing Up of Front Elevation to Provide Improved Parcel Sorting Area. **Granted permission 03/05/1989**

More recently the following applications were submitted to LBRUT in July 2019 and subsequently withdrawn:

19/2230/FUL - Demolition of existing delivery office and redevelopment of the site for mixed use development (Class B1 and Class C3) comprising six residential townhouses of two-storeys and roof in height (ground inclusive) and a mixed use building of two-storeys and roof in height (ground inclusive) comprising ground floor employment floorspace and four apartments above, along with associated hard and soft landscaping, cycle and refuse stores and car parking; and

19/2329/FUL - Demolition of existing delivery office and redevelopment of the site for six residential townhouses of two-storeys and roof in height (ground inclusive) and a residential building of two-storeys and roof in height (ground inclusive) comprising six apartments, along with associated hard and soft landscaping, cycle and car parking.

Both of these applications were withdrawn following discussions and further pre-application advice, which has resulted in this amended proposal. However, both applications were subject to a full independent review of Viability for affordable housing and both schemes were found to be unviable to support affordable housing provision.

5. DEVELOPMENT PLAN

The main development plan policies applying to the site are (not exhaustive):

Issue	London Plan 2016 Policy	Local Plan 2018 Policy
Local Character and Design Quality	7.2, 7.4, 7.5, 7.7,7.7	LP1, LP2, LP39
Impact on Designated and Non-Designated Heritage Assets and Archaeology	7.8	LP3, LP4
Impact on Amenity and Living Conditions	7.1	LP8
Impact on Biodiversity, Trees, Woodland and Landscape	5.11, 7.19, 7.21	LP15, LP16, LP12, LP17
Impact on Flood Risk and Sustainable Drainage	5.12, 5.13	LP21
Sustainable Design and Construction	5.1, 5.2, 5.3	LP20, LP22, LP23
Waste Management	5.16	LP24
New Housing, Mix, Standards and Affordable Housing	3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.12, 3.13	LP34, LP35, LP36, LP37
Employment and local economy	4.1, 4.2, 4.3, 4.4	LP29, LP40, LP41, LP42
Sustainable Travel Choices	6.9	LP44
Parking Standards and Servicing	6.13	LP45

The Local Plan policies can be found at:

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

The London Plan policies can be found at:

https://www.london.gov.uk/sites/default/files/the_london_plan_2016_jan_2017_fix.pdf

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF) (2019)

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Supplementary Planning Documents

Design Quality (2006)
Planning Obligation (2014)
Contaminated Land (2003)
Small and Medium Housing Sites (2006)
Front Garden and Other Off-Street Parking Standards (2010)
Refuse and Recycling Storage Requirements (2015)
Sustainable Construction Checklist (2016)
Affordable Housing (2014)
Residential Development Standards (2010) incorporating the Nationally Described Space Standards
Planning Obligations (in conjunction with Borough CIL)
Contaminated Land (2003)
Security by Design (2002)
Conservation Area (CA12 Hampton Village) study and statement
Site Allocation SA.4
Hampton Village Plan – Character Area 4 & Hampton Village Planning

More information on these documents can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

DCLG/Department of Transport – Manual for Streets
Community Infrastructure Levy

7. CONSULTATIONS CARRIED OUT

62 letters were sent to the nearest identified neighbouring properties on 06.07.2020, site notices were placed near the site and an advert was placed in the local newspaper.

8 letters of objection have been received, 1 letter of support was received and 1 more general observation (full comments are available on the Council's website).

The concerns raised could be summarised as:

- Design and style out of keeping with local character; overly dense, overly dominant and completely out of keeping with the residential areas to the south and west
- Look and feel of the build inappropriate
- Layout and density of building inappropriate
- Welcome the site being put to good use, but too dense/high
- Overlooking/loss of privacy to surrounding residents
- Concerns about impacts on local residents' quality of life
- Inadequate parking, and would place additional strain on local car-parking
- Increased traffic would increase risk of road accidents in locality;
- Noise and disturbance from construction and engineering works
- Parking permits should be disallowed
- More congestion and noise
- Increased issues with access and blockage.
- New 'affordable' housing is needed in the area and welcomed, but this proposal does not address many of the problems it would cause.
- Threat to mature trees along Hill House Drive
- Overlooking/loss of privacy to 15-18 Gander Green Crescent

- Development underway at 139-143 Station Road, so no need for this
- Out of scale with the local area

The observations noted:

- Not entirely convinced about the parking
- More eco-diversity, trees required

The representations in support commented:

- This site offers much potential and generally supportive as the commercial aspect offers opportunities for business to locate here
- More quality housing much needed
- External cycle storage should be encouraged

Councillor Gareth Roberts has requested by email that the proposal be reported to the Planning Committee, stating his opinion:

“ I see that a new application has been submitted for this site, complete with a marketing report drawn up by Snellers. My concern is that this report doesn’t constitute evidence of the site having been marketed for the required period. My interpretation of the document is that it seems to be more of a document drafted to explain why the site wouldn’t be a viable sale and therefore shouldn’t need to be marketed to the council’s required standard.

Furthermore, I feel that the application doesn’t reflect the intentions outlined in the site allocation plan in terms of the need for affordable housing to form part of the development.

The applicants acquired this site, one assumes, in full knowledge of the restrictions on this site and should be required to honour them.

I hope this application is refused, if consideration is given to approval, I would like the opportunity given to the Planning Committee to consider the application.”

Consultees

Consultee	Comment
Transport	No objection subject to conditions / agreement restricting parking permits within any future CPZ.
Trees	Withdrew initial objection, following submission of further arboricultural information and recommends conditions
Ecology	No objection, subject to conditions
Urban Design	Amended proposals now submitted have generally followed our previous advice and the scheme is therefore an improvement on the original proposals.

	<p>There are now visible party walls and chimneys breaking up the roofline with a projecting gable end, a hipped roof with dormers on the secondary building, the parking arrangement has been improved, and the old boundary wall is largely being retained.</p> <p>We therefore have no objection to the proposals.</p> <p>Recommendation: Approve.</p>
EHO (Contaminated Land)	No objection, recommend the imposition of standard Condition DV29F
EHO (Noise)	Suggest CMS condition
LLFA (Summarised)	<p>Site within Flood Zone 1. Very low risk of flooding from any source. Slight reduction in impermeable area. Area is underlain by London Clay, so infiltration measures not feasible.</p> <p>I have no concerns regarding this development.</p>
Greater London Archaeological Advisory Service (GLASS)	Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

8. EXPLANATION OF OFFICER RECOMMENDATION

8.1 The main planning considerations for this application are assessed as:

- i. Land use
- ii. Character and appearance
- iii. Residential amenity
- iv. Highways and parking
- v. Affordable Housing
- vi. Housing Mix and Standards
- vii. Trees, Ecology and Landscaping
- viii. Sustainability
- ix. Air Quality
- x. Flooding and surface water drainage

Issue i - Land use

The NPPF is clear that there should be a presumption in favour of sustainable development, that economic growth is a high priority and that planning should encourage and not act as an impediment to sustainable growth. The site is included on the Council's Brownfield register, identified within the site allocations chapter of the adopted Local Plan (2018) as a potential development site under reference SA 4 (Hampton Delivery Office) and this allocation supports a range of uses in principle including employment, social and community uses, and residential.

The proposal would replace the existing vacant Royal Mail delivery office of approximately 418sqm, on a site area of 0.12ha, with a 6 x 4-bedroomed homes and 428 sqm of office/employment space

Employment/Office provision

Policy LP40 states 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. At para.10.3.1 the 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 uses which fall within B1c (now Use Class E), B2 or B8 Use Classes or are considered to be Sui Generis. This site was previously in an Employment Use / Industrial Land:

Policy LP42 (A) requires the retention of industrial space and it states that there is a presumption against 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:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that 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; and then

2. A sequential approach to redevelopment or changes of use is applied as follows: a. Redevelopment for office or alternative employment uses. b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.

Policy LP42 also mentions that the borough has a very limited supply of industrial floorspace and demand for this type of land is high. Therefore, the Council will seek to protect, and where possible enhance, the existing stock of industrial premises to meet local needs. The Mayor of London's Land for Industry and Transport SPG (2012) states that the Council should ensure a 'restrictive' approach towards the transfer of industrial land to other uses until 2031, which means that industrial land should not be released for other uses. Further to this, the GLA's Industrial Land Supply and Economy Study (2015) demonstrates that the borough has a very limited supply of industrial land, with only 17.3 hectares of general and light industrial space (B2 and E), and 8.1 hectares of warehousing and storage (B8) facilities; this is amongst the lowest of all the London boroughs.

The site allocation SA4 suggests the redevelopment of the site for employment generating and social infrastructure uses, and residential uses as part of a mixed-use scheme is likely to be acceptable in principle, although an application for wholly residential would not be in accordance with SA4 or employment policies.

The application is supported by a marketing report by Snellers. The proposal to redevelop this site is therefore required to justify the change in type of employment floorspace, to comply with Policy LP42 and the sequential test. It is common for employment, particularly industrial sites, to be within established mixed use or residential areas, because of historic development patterns. This does not provide justification for a change of use, as mitigation can address impacts and constraints such as narrow access, which have been managed by existing occupiers, and therefore do not prevent any future or continued employment use.

Notwithstanding the current Covid 19 Pandemic, the LPA acknowledges the nature of employment is changing, how industry operates, how many deliveries are needed etc. which means that it is not adequate to simply state the existing use conflicts with residential as suggested by Snellers. However, the reservations about the condition of the premises and the need for refurbishment and remedial works which impacts upon the viability are accepted as valid and the policy (employment) team have been consulted and agree there is unlikely to be

any viable commercial use for the existing building making the option of redevelopment of this site the most feasible proposition. It is apparent that an element of residential development is required to underwrite the viability of developing offices in this location on a speculative basis.

Policy LP 41 seeks to support a strong local economy by ensuring there is a range of office premises within the borough. New office accommodation should be suitable to meet future needs, especially to provide for the requirements of local businesses and small firms. Design of office floorspace for flexible occupation and modern methods of working such as co-working is encouraged.

The development, which includes the provision of 428sqm of office space within a mixed-use scheme, would therefore provide a modest increase over the previous employment space and is therefore directly supported by policy LP 41.

The LP42 sequential test should assess the following:

- *The consideration of alternative employment generating uses. These uses should include in the first instance B Use Classes; and o Mixed use development including other employment generating or community uses. Proposals for mixed use schemes should maintain or improve the amount of employment floorspace on site.*

The proposal in providing 428 sqm (GIA) of new office employment floorspace (Class E) within the northern building which is a small net overall increase in employment floorspace from the previous situation. The new space should, as set out in LP41, be flexible, and suitable to meet future needs especially to provide for local businesses and small firms.

As the application can demonstrate compliance with LP42, then, as per Site Allocation SA4, it is considered that a mix of employment (re-providing the existing floorspace and contributing to a small scale net increase in accordance with Policy LP41 and paragraph 10.3.5) in the form of office floorspace along with the residential proposed, would not raise an in principle policy objection regarding land use when considered as part of a planning balance and this view has been confirmed by the Council's Planning Policy team.

Residential

More generally, residential use can add to the vitality and viability in mixed use areas. Policy LP37 (B) states planning permission will be granted for new accommodation where housing is providing for an identified local need, across a range of tenures, providing they are on a site and in a location suitable for that particular use, and in accordance with environmental, transport, parking and other relevant policies. At para. 9.4.3, it states that local need should be identified in the Council's housing and associated strategies. The proposal is essentially for a mixed employment generating and residential use and there is generally no policy objection to a mixed-use scheme.

The site is not subject to any environmental or other designations that would restrict the principle of its redevelopment. It currently represents an underused, brownfield site that can contribute to regeneration and to meeting with key planning policy objectives.

The principle of development is, therefore, supported by the Richmond Local Plan, the London Plan and NPPF. Paragraph 3.1.28 of the Local Plan also notes the housing target of 315 dwellings per annum to be provided for the period of 2015-2025 will be expected to be exceeded by the Mayor. The Local Plan spatial strategy seeks to do so by optimising the use of sites, particularly in centres with good public transport accessibility and mixed-use redevelopments such as is the case here.

The location is suitable for a higher proportion of family housing units, in accordance with Policy LP35.A. The proposed mix of 6 family sized town houses is considered to be appropriate for this location and to reflect the likely demographic of future occupiers given the site's location and the surrounding housing stock.

The principle of a mixed office/residential development in this location is therefore acceptable and would contribute towards the borough's housing targets as set out in Policy LP34. From an overall policy perspective, there are therefore no objections. This is based on recognising the benefits of the employment re-provision as part of a mixed-use scheme, in accordance with site allocation SA4 and Policies LP41 and LP42.

Issue ii - Character and Appearance

The NPPF advises good design is a key aspect of sustainable development and that there should be a presumption in favour of the conservation of designated heritage assets. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving the character or appearance of that area. In this context, 'preserving' means doing no harm.

The design has developed through the Council's pre-application process to that now proposed and has been endorsed by the Council's Urban Design team. The proposed height and massing of the building proposed has been designed to respect the neighbouring residential properties to the immediate north and south and on the west and east sides of Rosehill and Hill House Drive and also to allow for efficient use of what is currently unused brownfield land..

The form and massing on the frontage and rear is considered to be acceptable and to directly relate to the scale and form of the existing built environment and surrounding housing stock. The site currently presents as a gap in the urban form and the proposed scheme would address the void in both the Rosehill and Hill House Road frontages that is formed by the current site, which is a functional single-storey former sorting office building. The relative height of the back and rear elevations of the proposal development against the neighbours to either side is demonstrated in the figures below:



The design of the office building and houses contains both vertical and horizontal articulation to break up the form and provide a finer grain, responding to the local context. The overall approach is to provide a solid form, reflective of the heritage, using predominantly brick exterior with complementary use of recesses and detailing. The proposed buildings will be predominantly constructed using brick, reflecting the surrounding buildings and to acknowledge the conservation heritage. The detailed design has been developed to deliver a crisp, traditional styled scheme in the suburban area of Hampton. Traditional materials such as red and yellow brick would reflect the locally present architectural styles with the Hampton Village Conservation Area.

The setting of the conservation area has guided and directed the proposed use of materials, textures and facade configurations of the new scheme (reserved by condition). The row of terraced houses will consist of masonry details which already exist and found amongst other properties on Rosehill. Front and back gardens will correspond with the surrounding properties. External openings would make the most of the existing trees on site and look to provide views out on to green buffer area to the east, which provides a buffer between the site and Hill House Drive. The continuous facade of the terraced houses would be broken up with projecting bays, with down pipes creating an additional break in the facade, defining the extent of each property.

The hipped roofscape created by the pitched roofs would directly relate to the neighbouring property of No.1 Rosehill. From Rosehill, the new scheme would present as a terrace of small houses with private gardens and off-street parking, and would maintain the character along Rosehill, which currently consist of terraced housing.

The rear elevation shows large windows at ground floor which open out to private back gardens. At first floor, French doors open out to balconies which would help to maximise

the views of the green strip directly to the rear of the development, which is situated on the edge of Hill House Drive.

The proposed 6-storey terraced houses are situated in a row that is set back slightly from Rosehill and each house would be clearly defined within its own boundary, distinct from the proposed commercial block and reflecting the scale of the existing housing stock. The roofline to the rear consists of 6 pitched roofs and a hipped mansard roof relating to the two neighbouring house types respectfully.

The massing of the scheme has been designed to directly respond and transition between both the existing design styles to the immediate north and south. The mass of the proposed commercial building to the north, has been designed to respond closely with the neighbouring building at 21 Hill House Drive, with its volume responding directly to the blank masonry gable and the hipped roof form shape and form of this large 3-storey town house, which has additional accommodation into the roof. To the south the proposed town houses are set behind the building line of terraced Houses along Rosehill. At 2-storey with roof the housing stock, directly responds to the scale of the houses to the south, which are 2-storeys, many of which have been converted into the roof.

The shrubbery, trees to the rear which would be retained provide an existing and established screen buffer between the rear of the development and properties on the other side of Hill House Drive and Gander Green Crescent to the north and east and the houses and proposed surface-level car-parking has been carefully positioned to protect the existing Oak Tree, which will be fully retained on the Rosehill frontage, with much of the existing boundary wall retained along this frontage, with the building line deliberately set-back from the road frontage to protect the tree and provide front amenity space and adequate car and cycle parking to serve these new houses.

The proposed design would reflect the character of the area and is considered to demonstrate a clear understanding of the local vernacular and to enhance and take account of local character. It would reflect local styles and utilise local materials and brickwork (reserved by condition).

The external treatment, which is fairly uninspiring at present would also be significantly upgraded with additional landscaping and the rationalisation of the existing site. Additional hard and soft landscaping would significantly enhance the area and would appear as a major improvement on the existing functional arrangements, far enhancing the current condition of the site. Further details of hard and soft landscaping to ensure quality are suggested by condition.

The proposed design is therefore considered to be acceptable, and although introducing an updated aesthetic, the proposal is considered to have adhered successfully to the overall character of this part of the Hampton Village Conservation Area (HVCA) and the scale of adjacent development, with the detailed design and facing materials as indicated, considered to be consistent with local character and design quality.

Heritage

The application has been supported by a comprehensive Design and Access Statement and Planning Statement, which have considered the proposed development in relation to statutory and locally designated heritage assets.

The site lies within the Hampton Village Conservation Area (HVCA), which was originally designated in January 1969 and further extended in 1982 and 1991. HVCA contains several green spaces and significant landmarks, with the Thames forming a natural barrier to the

south and Bushy Park further to the east. HVCA contains several sub-areas including Station Road, the listed Hampton Waterworks and Station Road.

The majority of the HVCA around the site is focused on and enclosed by lower-scale residential streets of mainly 2/3 storeys, thereby largely obscuring views of the site from beyond the immediate locality. In this regard, the proposed development which would essentially reflect the form, height, materials, layout and scale of the immediately surrounding housing stock, including more recent development to the immediate north of the site in Hill House Drive would not significantly affect the character, appearance or setting of the Conservation Area, which is generally contained at this point.

The listed Hampton library is orientated in a north/south direction in relatively proximity to the south of the site but separated from it by the intervening terraced housing stock in Rosehill. Given the setback of the proposed development into the site, the setting and views of this particular building from the north in Rosehill and also the listed entrance gate structure is essentially unaltered. Given the relative orientation of the library building and entrance gates, the proposed development would be barely legible from Hampton library and certainly would not give rise to any material harmful impact on this heritage asset or alter the appreciation of it from wider views. Hampton Waterworks much further to the south is well separated from the site by intervening development and is not legible from it. Likewise, intervening residential development on the west side of Hill House/Gander Green conceal the site in views from the Village Green to the north east.

Locally listed Buildings of Townscape Merit (BTMs) noted on the north side of Oldfield Road would have no direct relationship with the site and are concealed from view by the intervening residential development.

The existing area is identified with the Local Plan to represent a development opportunity and currently considered to represent a gap in the urban fabric and as such, some impact is necessary to secure other public benefits of providing new employment space and family housing, as would be the case with any development coming forward at this site, which is an identified development opportunity within the Local Plan.

The proposed development will provide continuity of scale, height, boundary treatment hard and soft landscaping around the site, enhancing the character and appearance of what is currently a functional former employment site, in a predominantly residential area. Towards the east there are more residential properties fronting Hill House Drive and a row of semi-detached houses fronting Gander Green Crescent which has views out to Hampton Village Green. The mix of residential houses surrounding the site, enforces the suitability for a new mixed-use residential scheme on Rosehill, which will only serve to improve the residential character and appearance of the HVCA.

The site does not lie in an Archaeological Priority Area and is located outside of the core of historic Hampton. The potential for any early prehistoric and post-Roman archaeology is considered very low and this has been confirmed by GLASS, who were consulted upon the proposals and raised no objection to it. The Council's Conservation and Urban Design team have also been consulted on the proposals and have advised

“Amended proposals now submitted have generally followed our previous advice and the scheme is therefore an improvement on the original proposals.

There are now visible party walls and chimneys breaking up the roofline with a projecting gable end, a hipped roof with dormers on the secondary building, the parking arrangement has been improved, and the old boundary wall is largely being retained.

We therefore have no objection to the proposals.

Recommendation: approve.”

Overall, the proposed development is not considered to have any significant or detrimental impact on any statutory or locally designated heritage assets, which would warrant a refusal of planning permission and in helping to frame the street and mend the current gap in the townscape, with buildings of an appropriate form and materials, which would reflect their surroundings the development is considered to considerably enhance the character and appearance of the HVCA of which it would form a part. The proposals are found to be consistent with and to have responded positively to the locality. The new buildings would lead to a more intensive use of the site than previously but would not overdevelop the site and the site is considered to have the potential to accommodate this scale of development as proposed.

In conclusion, the proposed design, height, scale and layout would both preserve and enhance the character of the area and no substantial harm is identified to the character and appearance of the HVCA or any identified heritage assets that lie within it. It is therefore considered that the proposed development has adequately addressed policies LP1, LP3, LP4 and Policy LP39 in directly addressing and responding to the sites constraints, local character, the setting of the adjacent heritage assets and the surrounding built form.

Issue iii - Impact upon Amenities of Neighbouring Occupiers

The redevelopment of the site would significantly improve the character and appearance of the site and whereas there would be a change of view for properties in relative close proximity, the planning system cannot protect specific views from private properties (unless these are strategically important) but can only consider whether a proposed development is intrusive or overbearing to the outlook of a property, particularly residential properties, due to the massing and proximity of a proposal, and whether this would cause demonstrable harm to the amenity of the property.

The site is relatively well separated with regard to surrounding buildings, which includes residential dwellings, with the relationship of the site with its nearest neighbours demonstrated on the figure below:



The site is located on a residential street within the HVCA, and currently is the only non-residential element along the street. All four sides of the site are surrounded by houses of varying styles. The Grade II listed Hampton Library is located at the far south end of Rosehill and is the only civic building within the immediate context.

Two storey terrace houses are located towards the south and west of the site along Rosehill. Each house has its own front and back garden. The north of the site borders the side elevation of a recent development on the adjoining property 21 Oldfield Road. This relatively recent development of 3-4 storeys comprises of 5 new houses with private gardens and garages. At the southern boundary of the site sits 2-storey terraced housing. There is a soft boundary to the east of the site in the form of a landscaped strip of land with mature shrubbery along it. This provides a green buffer between the site and Hill House Drive and the larger houses backing onto Gander Green on the other side of it.

In respect of Daylight and Sunlight, a report has been submitted in support of the application, prepared by specialist daylight consultants (XC02) confirming that daylight and sunlight availability to neighbouring residential properties would satisfy British Research Establishment's (BRE) recommended values and occupiers would not be unduly harmed. The report considers daylight to surrounding residential windows, with a plane drawn at 25 degrees from the horizontal, at the centre of an existing window. If the new development intersects with this plane, the internal daylight levels of the surrounding windows may be reduced. When an obstruction of the 25-degree plane occurs, a more detailed assessment involving the Vertical Sky Component (VSC) of the affected window is required. The submitted daylight and sunlight report considers VSC as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. To maintain good levels of daylight, BRE requirements require the VSC of a window needs to be 27% or greater.

If the VSC is less than 27%, then a comparison of existing and proposed levels of VSC level would need to be calculated. The BRE test relates mainly to existing living room windows, although care should be taken to ensure that kitchens and bedrooms receive reasonable amounts of sunlight. Annual Probable Sunlight Hour (APSH) assessment is carried out when there is an obstruction within the 25-degree line and the window is facing within 90 degrees due south. The APSH assessment states that the existing living room window should receive at least:

- 25% of annual probable sunlight hours (APSH) throughout the year;
- 5% of annual probable sunlight hours during the winter months;
- not less than 80% of its former sunlight hours during either period;
- not more than a 4% reduction in sunlight received over the whole year (APSH).

The term 'annual probable sunlight hours' refers to the long-term average of the total of hours during a year in which direct sunlight reaches the unobstructed ground (when clouds are taken into account). The 'winter probable sunlight hours' is used to mean the same but only for the winter period (21 September – 21 March).

Open spaces should retain a reasonable amount of sunlight throughout the year. The BRE states that for an amenity space to *"appear adequately sunlit throughout the year, at least half of the area should receive at least 2 hours of sunlight on 21 March"*. Where this is not achieved, the difference between the area achieving 2 hours of sun on 21 March should be no less than 0.8 times its former value. No-skyline (NSL) is a measure of the distribution of diffuse daylight within a room and should achieve 0.8 times its former value following development.

The report concludes that the development would not materially affect either the daylight or sunlight amenity received by the nearest neighbouring properties when assessed against the guidelines and nationally accepted parameters. In respect of 1 and 3 Rosehill, the residential properties to the immediate south of the proposed development the analysis finds that all four first-floor windows would retain more than 0.84 times the former VSC value, whilst all rooms would retain more than 0.97 times the former NSL value. These results are compliant with BRE guidance. Analysis of all other properties referred to immediately indicate that the VSC, NSL and APSH are fully adherent with the BRE Guide and therefore there will be no material harm to daylight/sunlight amenity once the development is completed.

The layout of the scheme has been designed in consideration of amenity to neighbouring residents, with the stepped approach of the building footprint informed by the position and orientation of the neighbouring residential dwellings. The impact of the proposed development against the surrounding dwellings is assessed as:

2 – 20 & 22-40 Rosehill

These properties are two-storey residential buildings located to the west of the site, whose front elevations face onto site.

Whilst the proposed development will be a notable addition when seen from these properties, given its relative siting and distance in relation to the principal orientation of these properties, the proposed building is not considered to be visually intrusive, or to result in significant overbearing, or loss of privacy that would warrant a refusal on these grounds. A BRE assessment has included these properties and concludes that the impact would meet with recognised BRE guidelines, with all of the facing windows meeting with the initial 25-degree test, therefore there is no reasonable basis to conclude the proposed development would harm these properties residential amenity.

1-3 Rosehill

These terraced houses which have been extended with single-storey extension to the rear, (which would assist in nullifying the impact of the development on ground-floor windows) and are located directly to the south of the proposed development and separated by an intervening access gap).

The proposed residential building would sit opposite the northern flank wall of 1 Rosehill and is staggered further into the site (as is also the case with the existing delivery single-storey service building, which protrudes deeper into the site than the proposed development). Whereas the proposed building would protrude beyond the first-floor rear part of this property, it would not project as far as the existing sorting office building, which extends far deeper into the site and the proposed staggered relationship of the new houses would essentially reflect the pattern of development also noted on the east side of Hill House Drive and also within Gander Green Crescent to the north east. The main aspect of 1 and 3 Rosehill at this point is concentrated directly towards the east (towards Hill House Road Road) and the daylight assessment notes the presence of 4 windows in the upper floor serving 1 and 3 Rosehill. The results show that 3 of the 4 windows pass the initial 45-degree test, with the nearest window at first-floor level, achieving a VSC greater than 27% once the proposed development is completed, which is within acceptable BRE parameters.

Whereas the proposed development does not project as far as the existing sorting office building, nevertheless it is acknowledged some harm accrues in a sense of a loss of outlook, further encroachment at first-floor level over and above the existing situation due to the proposed increased height of the proposal, which would essentially match the overall ridge height of this neighbouring development. However, this harm would be small, well within acceptable parameters and must be considered in the context of the existing and surrounding urban environment and weighed in the balance against the benefits of the scheme and also against the living conditions of future occupiers of the scheme.

21 Hill House Drive

This part 3 storey building, which also includes roofspace accommodation is located to the north of the proposed office element. The proposed commercial building would extend approximately 3.2 metres beyond the rear face wall of Hill House Drive at ground and first-floor level and it is acknowledged would overshadow and enclose the rear wall of this property to some degree. However, the results of the BRE analysis show 2 of the 3 windows tested pass the required criteria, with the remaining ground floor window achieving a VSC of 25.2% and being connected to a dual aspect room, so this impact is within acceptable parameters. It is acknowledged some harm accrues in a sense of a loss of outlook over and above the existing situation due to the proposed height of the proposal, but within acceptable parameters.

1a Oldfield Road

This building is located to the north and west of the proposed development. The results show that all the windows pass the 25-degree test. The residents may experience some minor impact from windows which would have an oblique view of the back of these properties, however given the commercial nature of the office development (which means use is likely to occur in the daytime and not when residents are home) and also acknowledging that the rear of this property is directly overlooked from 21 Hill House Drive to the immediate east of it, this harm would not be significant.

15-18 Gander Green Crescent

These 3-storey dwellings are located to the north and east of the proposed development on the other side of the intervening Hill House Drive and due to the relative site orientation and green

buffer to the immediate east of the site would only face the development in oblique views from their rear windows. The results of the VSC test show that 14 out of 16 windows would pass the initial 25-degree test, with the remaining two easily achieving accepted VSC levels of higher than 27%. Given the degree of separation between these dwellings and the proposed, the relative site orientation the impact of the proposed development on these properties would be small and would not be significantly detrimental to living conditions for these occupiers to warrant the refusal of planning permission.

Properties on the East side of Hill House Drive

Given the significant degree of separation, intervening green buffer, road and the relative position of the proposed buildings and these houses no issues of overlooking or loss of privacy to these properties is identified. Whereas the position and bulk of the proposal would lead to a change of outlook, this view is towards the existing functional commercial building at HDO. Given the substantial separation distances, which are well in excess of the 20 metres minimum distance between main facing windows or habitable rooms stipulated within Policy LP8 no detrimental impact/amenity issues are identified in the context of this surrounding urban development.

Therefore, to summarise, in respect of 1 and 3 Rosehill, the nearest residential properties to the immediate south of the proposed development the analysis finds that all windows would retain more than 0.84 times the former VSC value, whilst all rooms would retain more than 0.97 times the former NSL value. The results are compliant with the BRE Guide. Analysis of all other properties referred to immediately indicated that the VSC, NSL and APSH are adherent with the BRE guidance and therefore there will be no material harm to daylight/sunlight amenity once the development is completed.

The LPA has no reason or basis to dispute the findings of the BRE daylight/sunlight report as submitted. Therefore, there are no objections to the proposals on the grounds that they would cause undue loss of sunlight or daylight to neighbouring residents, as clarified within the empirical information that has been provided with the application. The full results of the daylight and sunlight analysis are available to view online.

Overall, the proposed development is considered to have adequately addressed concerns in relation to visual dominance, overbearing and a direct loss of privacy to habitable rooms when viewed from neighbouring properties in accordance with policy LP1, LP8 and LP39 although some loss of outlook and increased sense of enclosure to the properties immediately to the north and south of the proposed development are acknowledged, this is well within acceptable parameters.

Issue iv - Highways and Parking

Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The site has a high PTAL rating of 2, but is well located to local bus stops, with Hampton Bus Stop (Stop K), served by the 215 and 111 buses and Hampton Train Station both with 250 metres of the site and accessible in short walking distance, as well as a range of shops, supermarkets, pubs, restaurants and community buildings and services in Station Road a short walking distance from the site.

The proposed development would retain the existing vehicular crossovers along Rosehill (southern crossover slightly adjusted) to provide access to off-street parking and residential entrances off a communal private shared surface courtyard. The existing boundary wall along Rosehill would be retained and adapted to preserve the existing character of the street and retain the existing character, with the retained mature oak protected through the retention of the

wall, paving line and setting back of the new development into the site. Each of the houses would be served by 1 off street private parking space, with the commercial block served by 2 spaces, with London Plan Policy 6.13 policy compliant cycle parking to serve the mix of uses provided. 12 secured cycle parking bays are proposed for the six houses and further policy compliant secure cycle parking for the proposed office space.

A Transport Assessment has been provided by Makides Associates in support of the application, which assess the implications of the scheme in terms of highways and parking and this has been reviewed by the Borough's Principal Transport Officer:

Vehicular access

Both the employees of the office space and the residents of the six house would access and egress from the site by using two existing vehicular cross-over accesses from the eastern side of Rosehill, an unclassified urban road which is 7.3m wide (carriageway) and which has 2 x 2.5m wide footways. Buses do not use this road as it leads to a dead end to the south, which contains Hampton Library, a visitor's car park with community recycling facilities, and a through route for pedestrians only to the A308 Upper Sunbury Road. It has a simple priority bell-mouth access junction with Oldfield Road to the north, another unclassified urban road with no on-street vehicular parking restrictions.

The applicant intends to provide front perpendicular forecourt parking for residents' and employee vehicles. In both front car parking courts, there is adequate space for motorists to enter, turn in, and exit the site safely in forward gear and Transport Officers have confirmed they have no objection to this proposal in this regard.

Pedestrian Access to the Site

The applicant has designed a proposed development that enables the Local Highway Authority to retain the existing build-out on the eastern side of Rosehill at the southern frontage of the site, which would enable safe passage of the TPO Oak tree, which has protected status, for pedestrians that use the footway on the eastern side of Rosehill. The applicant does not need or intend to create any new vehicular crossovers. Therefore, Transport Officers have confirmed they have no objection to this proposal.

It is advised that the applicant would need to enter into an agreement under S278 of the Highways Act 1980 to modify the southern-most crossover access as set out in the proposed ground floor plans, which is noted by way of an informative.

Vehicular Parking

The applicant intends to provide 1 space per 4-bed dwelling and two spaces for the 440m² of office use (class E) proposed. Policy LP45, Para. 1 of the London Borough of Richmond's current Local Plan states that:

The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car-based travel including on the operation of the road network and local environment and ensuring making the best use of land. It will achieve this by:

1. Requiring new development to provide for car, cycle, 2 wheel and, where applicable, lorry parking and electric vehicle charging points, in accordance with the standards set out in Appendix 3. Opportunities to minimise car parking through its shared use will be encouraged.

The site is in an area with a PTAL score of 2. The maximum off-street vehicular parking standards referred to in LP45 referenced above state that, in an area with a PTAL score of 2, up to 2 spaces should be provided for dwellings with 3 bedrooms or more. However, Para. 11.2.3 of the Local Plan states that:

Developers may only provide fewer parking spaces, including car free schemes, if they can demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability, amenity, street scene, road safety or emergency access in the surrounding area, as a result of the generation of unacceptable overspill of on-street parking in the vicinity. In general, it is expected that in PTAL areas of 0-3 the standards should be met. In PTAL areas of 4-6, parking provision at a level lower than the standard may be appropriate where this can be demonstrated as acceptable, taking account of local characteristics, availability of sustainable modes of travel and public transport provision, and availability of on-street parking spaces.

In the previous withdrawn application (Ref: 19/2329/FUL) referred to in the planning history the applicant submitted Local Level Super Output Area-level analysis of the Census of 2011, regarding car or van availability per household within houses of five habitable rooms. This showed that households of this size within the relevant Local Level Super Output Area had 1.2 vehicles per household. If this level to be applied to this scheme, then residents would need access to up to 7 spaces and overall, this result in a deficit of one space.

However, in their response to the previous withdrawn application on 27 September 2019 (Ref: 19/2329/FUL), it was noted that the applicant had submitted a vehicular parking stress survey for all streets within 200m walking distance of the site between 00.30 and 05.30 on the mornings of Thursday 4 Friday 5, and Sunday 7 July 2019. This showed that the only street to operate with a current stress level of less than 85% was Oldfield Road, which had a current occupancy rate of 35/44 spaces on 4 and 5 July and 30/44 on 7 July. The Transport Officer discounted three spaces because they found, after a site visit, that parking in them could hinder safe access to other parts of the local neighbourhood for road users. Therefore, on-street stress would be increased to 88% should one more car park on Oldfield Road during the night time during the week, which is above the level of 85% on-street stress, which the London Borough of Richmond considers to be the maximum tolerable parking stress level.

However, the London Borough of Richmond is currently consulting residents and businesses with a view to implementing a controlled parking zone (CPZ) in the Hampton area. The site is located within the consultation area.

Therefore, to mitigate the impact of overspill vehicular parking that the proposed development might create, the applicant will be required to enter into a legal agreement with the London Borough of Richmond whereby residents and employees within the development are precluded from purchasing on-street vehicular parking permits within any CPZ that might be implemented, and that there will be no time limit on the implementation of this CPZ.

Regarding off-street parking spaces for the office land use, the London Borough of Richmond's current Local Plan states that vehicular parking spaces must be provided in accordance with the current London Plan's maximum standards, which is one space per 200m² of gross internal area floorspace. The applicant has provided two spaces which would meet with these maximum standards.

Cycle Parking

The two western-most proposed houses will have two Sheffield stands each at the front and within the curtilage of their properties. Residents of the other four houses will have access to a

communal bicycle store with four Sheffield stands to accommodate 8 bicycles. This is within the curtilage of the office block. Residents would have access to this land at all times of the day and night. This provision would be secured by planning condition. It is also acknowledged that the properties themselves are of sufficient size and benefit from sufficient rear amenity space to store bikes.

Refuse Collection and Servicing

There are two separate refuse strategies proposed for the new development. The refuse point serving the commercial block will be in a common location, beside the communal garden and accessed via Rosehill. The communal refuse containers for the commercial units will have a storage capacity of 420 litres as required. The refuse for the commercial unit will be stored separately. For the town houses, refuse points will be located in the driveways of each individual house and can also be accessed via Rosehill.

As the town houses are more than three bedrooms, the storage capacity requirement is 360 litres for refuse per household. LBR requires waste to be stored off the public highway and operates a weekly collection of refuse and recycling. The volume capacities proposed are in line with the Council's recycling and waste standards.

Transport Officers have confirmed from the proposed ground floor plan it is apparent that a local authority refuse collection vehicle would be able to readily collect refuse and recycling from the highway boundary on the eastern side of Rosehill and that fire tenders and ambulances are able to get within 45m of any of the buildings on the site and raise no objection to the proposal on these grounds.

Construction Management Plan

The applicant has provided an outline description of their proposed construction management plan. They propose that site deliveries and collections will take place during off-peak hours, which is supported. They propose that no contractor parking will be allowed on site and that contractors will be encouraged to travel to work by sustainable modes. They propose that construction and demolition vehicles will approach the site from the west from the A308, Percy Road, and Oldfield Road. At its junction with Percy Road, Oldfield Road operates one way in a westerly direction for vehicular traffic, so will need to find an alternative route. Details of wheel-washing facilities will need to be provided, as will a description of the vehicles to be used, and a plan showing that all vehicles can use the construction access and egress safely. Where possible, vehicles should have the space to turn in the site so they can enter and exit in forward gear.

A detailed construction management plan is recommended to be secured through a planning condition.

In summary, the Principal Transport Officer has confirmed that they have no objection to the proposed development subject to conditions but advise that a legal agreement/Grampian condition is imposed with a clause precluding all occupants from obtaining vehicular parking permits within any future CPZ.

The applicant is also advised that an agreement under S278 of the Highways Act would be necessary to modify the southern-most crossover access as set out in the proposed ground floor plans.

Consequently, Transport Officers have confirmed the proposals are in accordance with national, regional and local planning policies, in particular Policies LP 44 and LP 45 of the Richmond Local Plan (2018).

Issue v - Affordable Housing

Policy LP36 requires contributions to affordable housing on all small sites and the Council will seek the maximum reasonable level of affordable housing when negotiating on private residential scheme, subject to economic viability. A Viability Assessment was undertaken to identify the level of planning obligations the scheme can sustain, including the provision of affordable housing. The application is supported by a viability assessment which concludes that because the proposal delivers employment floorspace, the scheme cannot deliver any affordable units.

This has been reviewed by the Council's assessor Bespoke who has confirmed that the scheme is not liable for affordable housing contribution and would result in a substantial deficit. The earlier withdrawn applications under 19/2329/FUL (which proposed affordable housing) and 19/2330/FUL (proposed no affordable housing), viability was reviewed by the Council's assessors (Bespoke) (November 2019) which found both schemes were not viable.

The Council's Planning Viability Advisor has considered this revised application and updated their earlier appraisal to reflect the revised accommodation schedule - the revised appraisal shows a higher deficit, finding the proposed scheme performs worse financially than the previous mixed-use scheme under 19/2330/FUL, which was found to be unviable to support Affordable Housing. On that basis they have confirmed no further requirement for a full reappraisal of the scheme.

A nil contribution is therefore confirmed as in accordance with Policy LP36.

Issue vi - Housing mix and residential living standards

The proposal is for 6 x 4 bed six-person houses, over three floors with a floorspace of 130 sq. metres and substantial gardens to the rear. The six houses would consist of 4 bedrooms with front and back gardens and would extend over two storeys, plus a pitched roof. The living/kitchen areas are on the ground floor and the bedrooms are situated on the first and loft floor of the property. Juliet balconies in the first-floor bedrooms facing east would create the opportunity to make the most of the views to the large trees on the edge of Hill House Drive.

A dormer to the rear is set behind a raised parapet allowing light into the loft rooms and views out to the trees on Hill House Drive.

The proposed housing type of family-sized units is accepted as appropriate in this location. All of the six proposed residential units would contain five habitable rooms and would easily meet with and exceed the required Nationally Described Space Standards for the type of accommodation that would be provided, with habitable rooms provided with suitable levels of light and outlook. Each of the units will be compliant with Building Regulations Part M4 (cat 2) Accessible and Adaptable Standards and all the proposed residential units will comply with the London Plan in terms of minimum unit and room size and floor to ceiling height and are dual aspect. The Mayor's Housing SPG sets out a requirement for a minimum of 5 sq. m of private outdoor space that should be provided for 1-2 dwellings and an additional 1 sq. m for each additional occupant (Standard 4.10.1). Generous private gardens are provided for each of the proposed houses which would well exceed this minimum requirement, ensuring high quality outdoor private amenity space is provided for the proposed residents and the door step play space requirement is provided.

Policy 3.6 of the London Plan states that housing development should make provision for play and informal recreation space based upon the expected child population to be generated by the scheme. The Design and Access Statement outlines the proximity of nearby play spaces. Such

proximity means that only under 5s need to be accommodated on the site, which is adequately provided for in the gardens of each of the proposed houses. It is also noted the wider area is very well served by local green and amenity spaces and the riverside, with Hampton Village Green a short walk to the north, areas of green space around the riverside, a range of community facilities including Hampton Sailing Club, Hampton Football Club and the Beverlee wildlife site to the north-east and of course further to the east the 445 hectare royal park, Bushy.

The proposals have adequately demonstrated that the units would be of a suitable standard of residential accommodation, well in excess of nationally adopted space standards and benefit from adequate amenity space in accordance with policy LP 35 of the Local Plan (2018) and the associated policies of the London Plan.

Issue vii – Trees and Ecology

The site is currently dominated by hardstanding, generally comprising of asphalt, with no nature conservation features or trees over the site itself. The landscape strategy is focused on softening the current site, as well as enhancing native species to provide ecological enhancement.

The application is supported by a detailed Preliminary Ecological Appraisal Report (PEAR) undertaken at the site by Urban Edge Environmental Consulting. The report was prepared to establish the site's suitability for development, inform the design process for the proposal, record the ecological baseline and identify key ecological features within and around the proposal site.

The report advises are six sites with international or national statutory designation within the 2km desk study search area; one SPA, one Ramsar site, two SSSI, and two LNR, together with 14 non-statutory SINC. There are records of a range of protected or notable species in the locality, including amphibians, birds, fish, invertebrates, terrestrial mammals, flowering plants and terrestrial reptiles, together with three priority habitats: Deciduous woodland, Traditional Orchards, Wood-pasture and Parkland.

The site footprint is approximately 0.1ha and currently supports a large former Royal Mail delivery office with associated car parking and onsite storage, together with incidental areas of tall ruderal vegetation, ephemeral / short perennial vegetation, scattered trees and boundary scrub.

The site is bounded by existing residential properties to the north and south, Hill House Drive to the east and Rosehill to the west. It is set within a suburban landscape adjacent to residential streets and back gardens within the wider HVAC. No ponds were identified within 500m of the site.

No further surveys for protected species are required. Preliminary recommendations are made for the protection of important ecological features to avoid or mitigate ecological impacts, and to deliver ecological net gain on site post-construction; these are summarised in Table 6.2 of the PEAR. It is intended that these preliminary recommendations should be considered during future changes to the design of development proposals so that protection of important ecological features is secured and opportunities for ecological enhancement are realised.

The proposed hard and soft landscaping and green/brown roof would also improve and soften the appearance of the area. Full details of the Green roof would be secured by condition.

The Ecology Officer has reviewed the information and advised they have no objection, subject to conditions in respect of the proposed green roof on the office building, internal light details from the mixed-use development and residential buildings should not spill onto the Hill House Drive tree belt and mature street trees on Rosehill. The Ecology Officer has recommended

conditions be applied if the council is minded to approve the scheme, in respect of external lighting, Hard and Soft Landscaping Works, mixed green and brown biodiverse roof, Biodiversity Net Gain and compliance with the PEAR.

In terms of tree's the Councils tree's Officer has been consulted and confirmed their opinion as follows:

"20/1025/FUL

Thank you for the additional consultation and opportunity to consider further arboricultural details.

The addendum report as provided by Tracy Clark, reference TCTC - 17399, revision report A, March 2020, re-submitted with tree root radar and trial holes is comprehensive and detailed in its detail.

To summarise our position; the most significant tree constraint for this proposal is T1 (Oak) - a category A tree owned by the local authority, growing on Rosehill road in the pavement. This is a large prominent tree (18m in height), of significant importance in the street scene and worthy of retention and protection.

The additional report has demonstrated the presence of deeper rooting than one would typically expect, and this has been supported with trial excavations. The detail would overcome our objection to a modified root protection area.

My concerns remain about the proximity of the tree to future dwellings given its size and mass of the tree and the apprehension this may cause living near the tree. The tree will naturally move in the wind and there is minimal clearance between the crown and the buildings. Additionally, the volume and ongoing seasonal nuisance caused by the tree and its impact on vehicles and an understorey garden remain a nuisance factor that is often poorly tolerated by residents.

That said, I am uncertain the juxtaposition between tree and building (given the existing building) remains a sufficiently strong argument for refusal to maintain a defensible objection (should this go to appeal).

I am doubtful on the strength of the above, and therefore suggest the arboricultural objection is withdrawn. Please could I request an AMS under condition to include site supervision by the arboricultural consultant.

As this is a council tree, we would welcome the opportunity to discuss formative pruning for the Oak as this will need to be undertaken by council contractors."

The requested Arboricultural Method Statement (AMS) would be secured by condition.

In response to the comments, members should also note that the site currently comprises hardstanding with no soft landscape features or biodiversity habitats present. It should also be noted that the applicant can only propose the introduction of landscaping within the site or, subject to the agreement of the Council, within the public realm. Within these constraints, the proposals are considered to actively enhance biodiversity as well as overall townscape quality, with conditions as suggested.

Contaminated Land

The Council's records indicate that the site and surrounding area has been subject to former potentially contaminative land uses. Given the sensitivity of the proposed development, an

appropriate condition to address potentially contaminated sites would be applied to any permission given. Environmental Health Contaminated Land have been consulted and recommend standard condition DV29F is applied.

Issue viii - Sustainability

The dominant condition stipulated in terms of energy and sustainability is for all new build residential development of under 10 units to achieve at least a 35% reduction in regulated carbon dioxide emission beyond the minimum targets in Part L of the building regulations. For non-residential buildings over 100 sq. m should achieve a 35% reduction and BREEAM requirements.

The application has two elements has been supported by an Energy statement by XC02 and a Sustainability Construction Checklist (SCC) which provides details of various measures and the be lean, clean and green hierarchy, as well as a list of passive measures including improved thermal performance and energy efficient lighting. In terms of 'Be Green' Air Source Heat Pumps have been confirmed as the most suitable energy strategy, contributing a 40.4% reduction over the Building regulations 2013. Further savings are achieved in terms of 'Be Lean' through energy efficient insulation in the building fabric such as the walls, windows and doors amounting to a further 9.9% reduction over Part L.

In terms of the SCC the scheme scores a B, which indicates that the development would make a significant contribution towards achieving sustainable development in the Borough and the total carbon dioxide savings arising from the development would amount to 60.3% over the target emission rate over the baseline level, well in excess of 35% required for the separate elements of the proposal overall. Conditions in respect of the separate commercial and residential elements of the proposal are imposed by condition.

Full details of the proposed energy measures are detailed within the supporting Energy and Sustainability Statement and the proposal is considered to represent a highly sustainable and low carbon form of development, which accords with Policy LP22. Policy LP22 states that new dwellings would be required to incorporate water conservation measures to achieve a maximum water consumption of 110 litres per person per day, the submitted information considers that there would be scope for this to be achieved. A standard condition is recommended in this regard.

Issue ix - Air Quality

The site is located within Richmond's Air Quality Management Area (AQMA). Policy LP10 notes the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and amenity of existing and new users of the development site or surrounding land. In terms of Air Quality, developers should secure at least 'Emissions Neutral' development

An Air Quality Assessment has been produced by consultancy SLR which demonstrates that redevelopment of the site as proposed would not cause a significant impact on local air quality. During construction, the main emissions are likely to be dust and particulate matter generated during earth moving or from construction materials. The risk of dust soiling on neighbouring properties during the construction phase are assessed as low to medium and that these risks can be effectively mitigated by good site practice and as such the resultant impacts are negligible. The assessment sets out a number of mitigation measures to be implemented in order to ensure that any impacts on air quality are minimised. Following implementation of these measures, the effects from the construction phase are not anticipated to be significant and the report highlights that the proposed development will be heated through air source heat pumps and consequently there will be no building emissions associated with the proposals.

Furthermore, no significant traffic movements would be generated as a result of the development over and above the previous situation.

The assessment demonstrates that the proposal will be Air Quality Neutral with respect to building related emissions. In consideration of the above, the scheme is found to be Air Quality Neutral and the proposal is therefore considered acceptable under Policy LP10.

Issue x - Flooding/Surface Water Drainage Strategy

Local Plan Policy LP21 (Flood Risk and Sustainable Drainage) states that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere. The site is in Floodzone 1 and is considered at low risk of flooding being sited well away from the river and other sources of flooding.

The application is supported by a detailed Flood Risk and SUDS Strategy report by SLR and this document assesses Flood risk in line with BS8533, taking account of national planning policy and guidance, and all potential sources of flooding to the site have been considered. Initial screening of risk of flooding considered tidal and sea flooding; fluvial and river flooding; surface water flooding; groundwater flooding; flooding from reservoir, canals, and artificial sources; and flooding from infrastructure failure. These were all found to be negligible or low risk and do not require further consideration.

Policy LP21 also notes that the Council will require the use of Sustainable Drainage Systems (SuDS) in all development proposals. Accordingly, a Drainage Strategy report has been prepared by SLR, which notes that the most appropriate forms of SuDs have been employed, with a green roofs and permeable paving and the report by concludes that *the proposed scheme is feasible and compliant to appropriate best practice* and regulatory requirements and the proposed development is therefore considered to be in accordance with the relevant national, regional and local planning policy. The Councils LLFA Officer has been consulted and advised they have no concerns in relation to this development proposal (see above).

9. OTHER MATERIAL CONSIDERATIONS

Housing Land Supply

Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer..).'

At the time of writing, the Council is able to demonstrate more than 5 years of housing land supply including buffer and has a Local Plan which has been adopted within the last five years. Therefore, for the purpose of determining this planning application, the LPA is able to demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). The ordinary planning balance having regard to the statutory test in section 38(6) of the 2004 Act is therefore engaged.

Local Finance Considerations

The site is liable for Community Infrastructure Levy (CIL), charged at the Lower Band for Borough CIL and Mayoral CIL as follows:

Mayoral Community Infrastructure Levy (CIL)

The estimated amount of Mayoral CIL for this development is £99,699.00 in accordance with the Mayor’s CIL 2 Charging Schedule (MCIL2) that took effect on 1st April 2019. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

Richmond Community Infrastructure Levy (CIL)

The estimated amount of Richmond CIL for this development is £215,073.64. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

Community Infrastructure Levy (CIL) estimate	
Mayoral CIL	£99,699.00
Borough CIL	£215,073.64

10. PLANNING BALANCE AND CONCLUSION

Paragraph 11 of the Framework explains how the presumption favour of sustainable development applies. As set out in paragraph 9.3 it is considered that the ‘ordinary’ balance should be applied, this means clearly identifying that the proposal complies with the development plan and the weight given to the material planning considerations.

The site is currently under-utilised and comprises of a vacant former sorting office and functional asphalt hard-surfacing and the proposed development is considered to represent an efficient use of this brownfield site, within a sustainable location and would provide a quantum of development that would optimise the sites potential yet respect the amenity of adjoining residential occupiers and the character and appearance of the Conservation Area. Overall, the scheme delivers a net gain of 6 good quality family residential units which are entirely appropriate for this predominantly residential location, which would contribute to the housing stock and would also deliver high quality replacement employment floorspace of a superior quality to replace the previous provision.

The scale and design of the development would adequately complement adjoining buildings and would not appear overly dominant, nor present as an incongruous form of development that would be out of character with the surrounding pattern of development and no detriment to any nearby heritage assets has been identified. The proposal is considered to respect the immediate context of the streetscape and to preserve the setting, character and appearance of the Hampton Conservation Area and identified heritage structures that lie within it, through a well-considered design that would be well related to the surrounding context and neighbouring buildings

The development seeks to preserve the amenity enjoyed by the occupants of adjacent properties. Whilst there would be a degree of harm to immediate neighbours this is well within adopted parameters and the scale of the harm must be weighed against the balance against the benefits of the scheme.

The development would introduce a range of sustainability initiatives, landscaping and ecological improvements, including a green roof which would benefit the site and context. It will not harm any acknowledged interest of either local or regional importance and would provide an enhanced and more attractive environment.

The Boroughs Transport Officer has confirmed that the car-parking, cycle-parking, proposed servicing and access arrangements to serve the development are acceptable and in accordance with adopted planning policy and that the proposed development would not exacerbate local parking stress or lead to adverse highway conditions, subject to appropriate conditions/agreements in place.

For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

11 CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

AT01 Development begun within 3 years

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

DV48 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable:

Proposed Plans

Site Plan 1836-099 PL07
Ground Floor Plan – 1836-100 PL 08
First Floor Plan – 1836-101 PL 0808
Loft Plan – 1836-102 PL08
Roof Plan – 1836-103 PL07
Sections 1836-120 PL07
Front Elevations 183-110 PL08
Rear Elevation 1836-111 PL08

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

Pre-commencement conditions

DV49 Construction Method statement

Notwithstanding the Preliminary Construction Management Plan, no development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:

1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
3. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
4. Details and location where plant and materials will be loaded and unloaded;
5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
6. Details of any necessary suspension of pavement, roadspace, bus stops and/or parking bays;
7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
8. Details of any wheel washing facilities;
9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
10. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
12. Details of the phasing programming and timing of works;
13. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Statement 5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7;
14. A construction programme including a 24-hour emergency contact number;
15. See also TfL guidance on Construction Logistics Plans.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area.

NS01 Hard and Soft Landscaping

A) No development shall take place, other than demolition and enabling works, until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas including demarcation of the pedestrian route on the shared surface; ecological enhancements including bird/bat boxes; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc); and where relevant; a program or timetable of the proposed works.

B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc., together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

C) All hard and soft landscaping works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation.

NS02 - Arboricultural Method Statement (AMS):

Prior to the commencement of development, an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The AMS must:

1. Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations
2. Be written in conjunction with the schemes specific method of construction (where applicable)
3. Outline any tree constraints, and explain any impacts for both above and below ground.
4. Detail all tree protection (including plans)
5. Detail any special engineering for construction within the Root Protection Area.
6. Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturalist or Arboricultural Contractor. All tree work must be undertaken in accordance with BS3998:2010 Tree work - Recommendations unless approved by the Councils Arboricultural Officer
7. Provide confirmation of the appointment of an Arboricultural Consultant for the duration of the development and a schedule of inspections too achieves an auditable monitoring and supervision programme, and a timetable for submission to the Local Planning Authority.
8. The development shall not be implemented other than in accordance with the approved AMS.

REASON: To ensure that the trees are not damaged or otherwise adversely affected by building operations and soil compaction

DV29F Contaminated Land

1.No development shall take place until:

- a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the Local Planning Authority;
- b) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out in accordance with the current U.K. requirements for sampling and testing.

c) written reports of:

- i) the findings of the above site investigation and
- ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.

Note: some demolition work, if required could be allowed beforehand for enabling the above requirement (1b) subject to the agreement of the Local Planning Authority.

2. The building hereby permitted shall not be occupied until:

- a) any remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Local Planning Authority. Such report shall include

- i) details of the remediation works carried out and
- ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

REASON: To protect future users of the site and the environment.

NS03 Construction materials

The external surfaces of the buildings (including fenestration, privacy screens, masonry and brickwork, bonding pattern) shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the development.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality

BD10: Sample Panels of Brickwork

Sample panels of facing brickwork showing the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work is completed and has been approved.

REASON: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

NS04 Construction details

The development shall not be carried out other than in accordance with detailed drawings to a scale of not less than 1:20 which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the relevant element of development, such details to show fenestration, window and door recesses and typical balcony details.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

NS05 Green/Brown roof

Final details of the proposed green/brown roof shall be submitted to and approved by the Local Planning Authority prior to the construction of this element of the development. The green/brown roof shall be implemented prior to occupation of the new offices, in accordance with the approved specifications and maintenance schedule and maintained permanently thereafter, unless otherwise approved, in writing by the Local Planning Authority. The submission must provide the following information:

- a) Details on materials used in the design, construction and installation of the green roof based on the Green Roof Code and the use of biodiversity based extensive/semi-intensive soils;
- b) details on substrate and plants used in the green roof, based on a commercial brick-based aggregate or equivalent with a varied substrate depth of minimum 85mm planted with locally native herbs/wildflowers;
- c) details on additional features to the proposed green/brown roof, such as areas of bare shingle, areas of sand for burrowing invertebrates, individual logs or log piles; and
- d) an ecological management and maintenance plan including landscape features and a cross section of the green roof.

REASON: To ensure the biodiversity benefits and ecological benefits of the development are delivered and maintained.

Parking Permits Restriction - GRAMPIAN

Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident/commercial occupier of the development shall obtain a resident/commercial parking permit within any controlled parking zone which may be in force in the area at any time, nor a season ticket/enter into a contract to park in any car park controlled by the Council.

REASON: To ensure that the development does not generate an increased demand for on-street car parking to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highways, the amenity of the area and to accord with the Councils car parking policy and standards.

Pre-occupation conditions

NS06 Mechanical Services Noise Control

- a) Before any mechanical services plant required in relation with the commercial unit, including heating, ventilation and air conditioning (HVAC) plant to which the application refers is used at the

premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved

b) The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including heating, ventilation and air conditioning (HVAC) to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system etc. operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

c) The plant shall be supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

REASON: To protect to the living conditions of future occupants and ensure that the development does not adversely impact the amenities enjoyed by neighbouring occupants.

NS07 Car Parking

The 8 car parking bays as shown on drawing no. 1836-100 PL08 shall be implemented in full prior to first occupation of any of the residential properties hereby approved and shall not be used for any purpose other than for the parking of private motor vehicles used by disabled/blue badge holder residential occupiers or visitors to the development.

REASON: To ensure the development does not have an adverse impact on local traffic and parking conditions; to accord with policy 6.13 of the London Plan.

NS08: Electric Vehicle Charging Points

- a. Unless otherwise agreed in writing with the Local Planning Authority, no development above ground level shall take place until a scheme for EVC infrastructure, in accordance with London Plan Standards (20% active; 80% passive EVCPs) has been submitted to and approved in writing by the Local Planning Authority.
- b. Prior to the occupation of the development hereby approved, the approved scheme shall be installed, be ready for use, and be thereafter retained.

REASON: To encourage the use of ultra-low emission vehicles.

DV51A Water Consumption

The six residential dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

REASON: In the interests of water efficiency in accordance with the Councils sustainability policies.

NS09 Cycle Parking

The development shall not be occupied until secured, undercover cycle parking facilities for cycles have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.

REASON: To accord with this Council's policy to discourage the use of the car wherever possible.

NS10 Refuse arrangements

The development hereby approved shall not be occupied arrangements for the storage and disposal of refuse/waste as shown on the approved plans have been made.

REASON: To safeguard the appearance of the property and the amenities of the area.

DV28 External Illumination

Any external illumination of the premises shall not be carried out except in accordance with details

giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the buildings.
REASON: To safeguard the appearance of the property and the amenities of the area.

NS11 - Biodiversity Net Gain

Prior to occupation, biodiversity net gain shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with these details. This should include:

- o Each new dwelling must include a swift or house sparrow brick and bat brick or tile built into the building [as per R6&7 of the Urban Edge Environmental Consulting PEAR dated July 2019]
- o The mixed-use building must include 2 swift or house sparrow bricks and 2 bat brick or tile built into the building [as per R6&7 of the Urban Edge Environmental Consulting PEAR dated July 2019]
- o A native hedge should be included at the rear of site and details included with the soft landscaping condition [as per R5 of the Urban Edge Environmental Consulting PEAR dated July 2019]
- o Each new dwelling must include a stag beetle loggery and invertebrate hotel/towers
- o All plant species* must be native and have some form of biodiversity benefits berries nuts and pollen/nectar
- o Each fence line must include a hedgehog/mammal passes and connect to the tree shrub belt on Hill House Drive

The details for each aspect should include specific location, specific product/dimensions and construction method (including proposed aspect and height) and proposed maintenance.

Reason: To enhance nature conservation interest.

NS12 - Excavations and CMS

Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

Reason: To prevent harm to terrestrial mammals and protect existing biodiversity. [as per R4 of the Urban Edge Environmental Consulting PEAR dated July 2019]

Ongoing conditions

NS13 Energy Reduction

The six dwellings hereby approved shall achieve a 62.2% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013) and shall be constructed in accordance with the measures contained within Energy & Sustainability Statement by XCO2.

REASON: In the interests of energy conservation and to accord with the terms of the application as submitted.

DV46A - BREEAM for Non-Housing

The commercial building hereby approved shall achieve BREEAM Rating 'Excellent'; in accordance with the terms of the application & the requirements of the BREEAM Guide (or such national measure of sustainability for design that replaces that scheme).

REASON: In the interests of promoting sustainable forms of developments and to meet the terms of the application.

DV52A Building regulations M4(2)

The 6 residential units hereby approved shall not be constructed other than in accordance with Building Regulation M4(2) and M4 (3).

REASON: In the interest of inclusive access in accordance with Council's policy to ensure homes meet diverse and changing needs.

DV30 Refuse storage

No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

REASON: To safeguard the appearance of the property and the amenities of the area.

NS14 Sustainable Drainage

The development hereby permitted shall not be constructed other than in accordance with the recommendation of the SUDS Strategy in the submitted Flood Risk and SUDs Strategy by SLR. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The scheme shall be implemented and retained as approved.

REASON: In the interest of sustainable construction, to avoid excessive surface water runoff and to ensure that the surface water drainage system does not pollute the ground water below the site.

NS15 Use of roof restricted

Other than the areas identified as balconies on the approved plans, the roof areas of the buildings hereby permitted shall not be used as a balcony, roof terrace, roof garden or similar amenity area.

REASON: To safeguard the amenities of the adjoining occupiers.

NS16 - Ecological survey

The recommendations at R1 of the Urban Edge Environmental Consulting Preliminary Ecological Appraisal Report (PEAR) dated July 2019 to be implemented in full. Should works not commence before June 2021 an updated PEAR report may be required.

REASON: To ensure up to date data and to protect nesting birds

NS17 – Use

The business units shall be used only for/as offices or light industrial units and for no other purpose as specified in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision revoking or re-enacting that order.

REASON: To safeguard the amenities of nearby occupiers and the area generally and local parking conditions.

GD04 - Restriction-Alterations/extn

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

REASON: To safeguard the amenities of the occupiers of adjoining property and the area generally.

GD10 – Restrict Outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

REASON: To safeguard the amenities of the adjoining occupiers and the area generally.

12 INFORMATIVES RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

Standard Informatives

IL25 - NPPF APPROVAL - Para. 186 and 187

COMH06 - Composite Informative

IH03B - Vehicular crossover

IM13 - Street numbering

IL24 - CIL liable

IL29 - Construction Management Statement

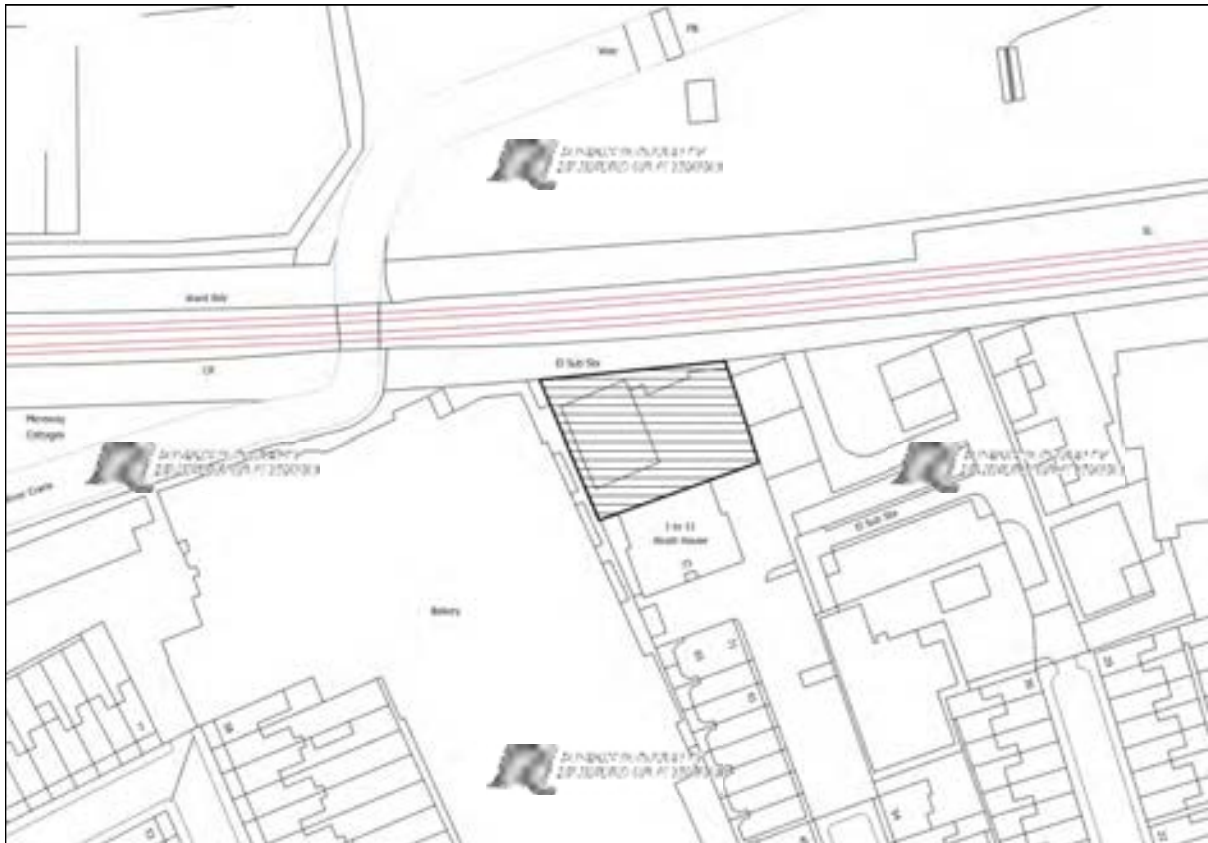
IL02 – Advertisements

IL23 – 278 Agreement

14/0157/FUL
LOCKCORP HOUSE
75 NORCUTT ROAD
TWICKENHAM
TW2 6SR

SOUTH TWICKENHAM WARD
Contact Officer;
Chris Tankard

http://www2.richmond.gov.uk/PlanData2/Planning_CaseNo.aspx?strCASENO=14/0157/FUL



© Crown copyright. All rights reserved. London Borough of Richmond Upon Thames LA 100019441[2015].'- Do not scale '

Proposal: Demolition of the existing light industrial building and replacement with a detached three-storey building (with accommodation in roof) to provide 9 No.flats (affordable housing) together with 6 off-street car parking spaces and associated amenity and landscaping areas (Revised description).

Applicant: Lockcorp Ltd

Application received: 17.01.2014

Main development plan policies:

National Planning Policy Framework (NPPF)

London Plan (FALP 2015): 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 4.2, 4.3, 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 6.3, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.13, 7.17

Core Strategy (2009): CP1, CP2, CP3, CP4, CP5, CP7, CP10, CP12, CP14, CP15

Development Management Plan (2011): DM SD 1, DM SD 2, DM SD 4, DM SD 6, DM SD 7, DM SD 10, DM OS 2, DM OS 7, DM HD 1, DM HO 3, DM HO 4, DM HO 6, DM EM 2, DM TP 2, DM TP 6, DM TP 7, DM DC 1, DM DC 4, DM DC 5, DM DC 6

Affordable Housing SPD
Car Club Strategy SPD
Contaminated Land SPG
Design for Maximum Access SPG
Design Quality SPD
Nature Conservation and Development SPG
Recycling SPG
Residential Development Standards SPD
Security by Design SPG
Sustainable Construction Checklist SPD

Present use: Offices and business units

SUMMARY

The redevelopment of this site has offered an opportunity to secure a significant affordable housing investment for the borough replacing outdated employment premises. The 100% social rented tenure is also welcomed. The new housing units are located in sustainable buildings minimising carbon emissions and are of an appropriate scale and design which combined with new landscaping will bring forth improvements to the site's appearance and ecology without causing harm to the adjacent Hamilton Road Conservation Area and Metropolitan Open Land and nearby street scenes. It is acknowledged that the proposed development's parking provision is 3 spaces short of meeting the maximum car parking standards within the DMP so to mitigate this impact, car club membership shall be required for all units and eligibility for community parking zone permits removed should Norcutt Road be included within a CPZ within the next 5 years. Moreover the change in use will remove the prospect of commercial vans and vehicles less appropriate to this narrow residential street than cars. Cycle parking provision exceeds standards while refuse collection, recycling and other servicing facilities are adequately catered for with appropriate turning areas provided.

On balance, it is considered that the scheme as presented offers an appropriate mix of benefits in terms of improvements to the site's appearance, affordable housing provision, landscaping and ecological enhancements whilst protecting local residential amenity.

RECOMMENDATION: PERMISSION subject to S106

Site:

1. The application site is situated at the most northern end of Norcutt Road adjacent to the railway viaduct and an expanse of open land beyond. It is accessed via Norcutt Road from the south, which serves a narrow, predominantly residential street of Victorian terraced properties.
2. The application site itself forms a trapezium shape and comprises an area of 0.072 hectares. To the east of the site is an electricity sub-station, which is accessed via Warwick Road, and falls within the Hamilton Road Conservation Area. To the west of the site is Gregg's Bakery, which is accessed via Crane Road.
3. The application site forms part of a larger site immediately to its south and it also benefits from a part implemented extant planning permission (ref: 06/2018/FUL) for a four-storey office block together with 4 off-street car parking spaces and associated landscaping.

4. The part of the site to the south has been fully developed, in accordance with 06/2018/FUL, comprising a scheme of 7 terraced houses and 4 flats (open market) and a block of 11 flats (affordable housing) together with 22 off-street car parking spaces and associated access and landscaping.
5. The application site presently accommodates a light industrial building, which was formerly known as Unit C, The Norcutt Centre and formed one part of a series of three buildings. Units A & B were demolished as part of the implemented scheme but Unit C was allowed to remain because it was then occupied by Gregg's Bakery. This is currently occupied by one of the applicant's business on a temporary basis and is known as Lockcorp House, 75 Norcutt Road, Twickenham.

History

6. Although the site has a very extensive planning history, the proposal that is directly relevant to the proposed development under consideration tonight is planning permission 06/2018/FUL dated 30 January 2009 for the demolition of all the existing buildings and a redevelopment comprising of 11 open market and 11 affordable dwelling units and a detached four-storey office building of 900 sqm together with the associated car parking, amenity space, landscaping and access arrangements from Norcutt Road.
7. The above-mentioned planning permission has been lawfully implemented through the discharge of all the various relevant planning conditions and the completion of the 11 open market and 11 affordable dwelling units together with their associated car parking, amenity space, landscaping and access arrangements. This part of the development is both complete and occupied.
8. The remainder of the approved scheme was phased and deferred by way of an s106 legal agreement because of Gregg's Bakery's occupancy of Unit 3, now known as Lockcorp House. The s106 legal agreement stipulates that in the event that the developer has not implemented the commercial element of the scheme within two years of a material start, namely 1 May 2013 or by 31 December 2014, whichever is the later, the developer will be obliged to pay to the Council the prescribed 'affordable housing contribution' being the sum of £100,000.

9. Proposal

10. The proposed development would involve the demolition of the remaining light industrial building of some 230sqm and its replacement with a detached residential building which was originally proposed to be 4-storey in height, the upper floor within a mansard roof, and comprising 11 flats (all affordable housing). This scheme has been amended during the planning process to a more traditional design comprising a 3-storey building with dormers comprising 9 flats (all affordable housing) with 6 associated parking spaces and free standing bin store.
11. The ground floor accommodation would comprise of the main entrance serving the central stairwell, a cycle store for 12 bicycles, a 3 bedroom flat and 2-bedroom flat with a private amenity area and a communal amenity area. The first and second floor would each comprise of a 1 x 2 bedroom flat and 2 x 1 bedroom flats and the third floor a further 1-bed flat. Each of the upper floor flats, with the exception of the loft flat, benefit from private balconies or recessed roof terraces.
12. Proposed materials comprise yellow and red brickwork and artificial slate roof to match that of the development to the south. Permeable hardstanding would be used throughout the site.

Public and other representations:

13. Network Rail

14. No objections to the principle of development subject to the following during both construction and following completion of the building:

- No encroachment onto Network Rail land at the rear
- No effect on the safety, operation and integrity of the company's railway and infrastructure
- Undermine its support zone
- Damage its infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air space of Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Local Residents

15. Following public consultation, 6 objections and 1 general observation have been received. These can be summarised as follows:

- Overspill parking and traffic congestion - the area is not within a controlled parking zone, is plagued with commuter parking (including staff at Greggs and students at Richmond College), the development has insufficient parking and existing kerbside parking is at capacity after 6pm
- Construction impacts - when the current buildings were erected we had years of noise, disruption, filth and disturbance often late at night by the builders. Norcutt Road still bears the sign of the damage done to it by heavy lorries.
- Purchasers of the flats must not be car owners, planning condition required
- Overlooking and overshadowing of existing flats to south
- Loss of views across to green park behind (Craneford Way Playing Fields)
- Overdevelopment/overpopulation of street
- Loss of commercial use – balance between residential and employment uses should be retained in Twickenham as a whole

Heads of Terms

- None of the dwellings to be eligible for parking permits if a CPZ is implemented within 5 years of occupation
- Car Club membership for all units
- Provision of 100% Affordable Housing (all Social Rented) with Council nomination rights
- On satisfactory completion of Affordable housing provision and nomination rights, a Deed of Variation to existing Section 106 agreement accompanying 06/2018/FUL to require an Affordable Housing Contribution of nil pounds

Professional comments:

16. The main issues to consider are the provision of affordable housing in place of a light industrial building, backland development, the design of the building and impact upon MOL, neighbouring amenity, parking and highway safety, sustainability, railway impacts, ecology and trees, flood risk and contamination.

Loss of Employment/Provision of Affordable Housing

17. As previously stated, the existing site consists of a light industrial building which was formerly part of a phased redevelopment of a larger site which comprised the terraced housing and block of flats constructed on the land to the immediate south.

18. Policy DM EM 2 of the Development Management Plan seeks to retain land, sites and buildings which were last used for employment purposes, in employment use. The use of employment land for other purposes will only be permitted where:

(a) There is satisfactory evidence of completion over an extended period of time of a full and proper marketing exercise of the site at realistic prices both for the existing use and for redevelopment (if appropriate) for other employment uses; or suitable alternative evidence; and either

(b) A sequential approach has been applied to the development of the site as follows:

- i) solely employment-based redevelopment;*
- ii) mixed-use or other alternative employment creating uses, where the employment floor space is retained. Such sites should maximise the amount of affordable housing provided as part of the mix;*
- iii) maximum provision of affordable housing in accordance with CP19;*

or

(c): The location has such exceptionally severe site restrictions due to very poor access and servicing arrangements that its continued employment use would be inappropriate.

19. Marketing has been undertaken since June 2012 and has included a marketing board being erected outside the site as well as details of the site advertised on a number of websites and this has generated little interest. A marketing report has been submitted and this advised that the main issues for the lack of interest were the poor condition of the existing building as well as the restricted access of the site.

20. Marketing for other alternative employment creating uses has not been carried out however, it is considered that due to the restricted access; the proposal complies with part (c) of DM EM 2 and it is considered that the cessation of the employment use would be beneficial due to its poor access and relationship with surrounding residential properties.

21. Given the proposed change of use, in accordance with Policies DM EM 2 and CP19, any residential use replacing employment floor space should be in the form of affordable housing. Affordable housing should normally be provided on-site, subject to viability, and reflect the priorities set out in Policy CP15.

22. The scheme has been brought forward with a Registered Provider, Paragon Housing, who engaged with the Council prior to the submission of this application to specifically consider a 100% affordable housing scheme. It is considered that a wholly affordable housing scheme, all social rented, as proposed in place of the consented office block and/or the affordable housing contribution contained within the s106 legal agreement to 06/2018/FUL would bring forward benefits for the provision of affordable housing which far outweigh the loss of a potential employment development.

Backland development

23. The site does not form part of residential gardens and is a brownfield site currently consisting of hardstanding and buildings. DM HO 3 which deals with backland development states there will be a presumption against the loss of back gardens due to the need to maintain local character, amenity space and biodiversity. It also states that in general, the Council will not accept proposals for developments on back garden land but proposals for development of backland sites in other uses may be acceptable if it would not have a significantly adverse impact upon the following:

- *Garden land – rear garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats must be retained;*
- *Impact on neighbours – privacy of existing homes and gardens must be maintained*
- *Vehicular access or car parking – these must not have an adverse impact on neighbours in terms of visual impact, noise or light. Access roads between dwellings and unnecessarily long access roads will normally not be acceptable*
- *Mass and scale of development – development on backland sites must be more intimate in scale and lower than frontage properties*
- *Trees, shrubs and wildlife habitats – features important to character, appearance or wildlife must be retained or reprovided*

24. These issues are addressed further below and demonstrate compliance with the requirements of policy DM HO3.

Housing Need, Type and Mix

25. The proposed development would deliver a total of 9 affordable residential units. This is a significant contribution in a climate where sufficient numbers of affordable homes are not being delivered. The proposed affordable housing accommodation would comprise of 6 x 1 bedroom flats, 2 x 2 bedroom flats and 1 x 3 bedroom flat.

Design/Visual Impact

26. Policy DM HO 3 states that development on backland sites must be lower than frontage properties. Properties in Gould Road are mainly characterised by two-storey, terrace properties with a number having been extended at roof level.

27. The design of the proposed development has been driven by the extant planning permission for the four-storey office building and the need to lessen impacts on neighbouring amenity in light of its residential use whilst retaining a traditional architectural form. The design has also been driven by Paragon Housing in terms of their requirements.

28. It is considered that the proposal has retained the integrity of the approved scheme in terms of the grain of development and hierarchy of buildings both within the site and in relation to the surrounding properties. The proposed development has adopted the same footprint and general overall height of the approved office scheme while replacing the bulk of the mansard roof by a more recessive pitched roof treatment. All of the various established relationships to the site boundaries and neighbouring properties have been retained. Materials are to match those of the existing buildings in this development. The demolition of the existing industrial building is welcomed in design terms and the new development and landscaping (hard and soft) is considered acceptable on balance in this location subject to details of tree planting (type/ size) being conditioned.

Residential standards

29. The proposed floor area and layout of the flats meets the internal room size requirements and external amenity area requirements as per Council's 'Residential Design Standards' SPD. All rooms would receive adequate daylight and outlook.

30. With regard to the provision of private amenity space, the SPD requires a minimum of 5 sqm for 1-2 person units, namely a 1 bed unit and an additional 1 sqm for each additional occupant.

31. The proposed development would provide for a communal amenity area with access to all of the proposed flats at ground floor level in the form of an open lawn area, which would amount to a total area of 74 sqm which is in excess of the minimum requirements. In addition to the above, the proposed ground floor 3 bedroom flat would have a private amenity area of 17 sqm and the proposed first and second flats access to balconies and roof terraces in compliance or exceeding standards. It is concluded that adequate private amenity space is provided for the units.
32. Development must take into account accessible design and should be built to Lifetime House Standards as required by Policies CP14 and DM HO4. This will be secured by condition.
33. All units are wheelchair accessible and one is capable of adaptation for wheelchair use.
34. The estimated child occupancy within the development is less than 10 and hence on-site provision of children's play facilities/play space is not required.
35. Acoustic fencing and sound insulation will be incorporated to ensure noise transmission from the railway line and within the development is mitigated to ensure suitable living conditions for future occupants of the flats.
36. The proposal is considered to satisfy Policy CP14 of the Core Strategy, Policy DM HO 4 of the Development Management Plan and SPD: Residential Development Standards in this regard.

Impact upon MOL (Twickenham Rifle Club)

37. The land to the north of the railway line falls within the grounds of Twickenham Rifle Club and is designated Metropolitan Open Land (MOL). Policy DM OS 2 states that when considering developments on sites outside MOL, any possible visual impacts on the character and openness of the Metropolitan Open Land will be taken into account. It is considered that the poor condition of the existing building, the improved design of the proposed and the presence of similarly sited buildings within the nearby vicinity e.g. Rowntree House, that the proposal would not have a significant impact upon the green, open character of the MOL and its impact is deemed acceptable.

Impact upon neighbouring amenity

38. Policy DM DC 5 states that in considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings, and that adjoining land or properties are protected from overshadowing in accordance with established standards.
39. The proposed development would maintain the same relationship to the adjacent affordable housing residential block as the approved office building but is of lesser bulk. The front elevation at ground floor level would have 3 bedroom windows and 1 living room window which would directly face onto a flank wall of the adjacent affordable housing block. The proposed development in respect of the upper floors would directly face onto kitchen windows and secondary living room windows of the adjacent affordable housing block.
40. Given the various inter-relationships in terms of the uses of the rooms, secondary windows and separation distances, the proposed development in comparison to the approved development would not result in a material difference and nor would it result in an unreasonable loss of residential amenity.

41. Finally, given that the siting of the proposed building would be virtually the same as the approved office building and the scale and form would be less, it would therefore maintain the status quo in terms of privacy, outlook, sunlighting and daylighting.

Parking

42. The site has a PTAL level of 2 (Poor) and is not within a Controlled Parking Zone. In regards to parking provision, policy DM TP 8 states that in general it is expected that in low PTAL areas (1-4) the standards should be met unless it can be demonstrated that there would be no adverse impact on amenity, street scene, road safety or emergency access in the surrounding area or a generation of unacceptable overspill of on-street parking in the vicinity.
43. In accordance with the relevant standards, each flat would require a car parking space resulting in a requirement of 9 spaces. These have not been provided on site. The proposal provides 6 new spaces which include the provision of one space for the less ambulant in accordance with standards. The shortfall of 3 spaces should however be considered against the observations of the Registered Provider, Paragon Housing, and the applicant who have reported to the Council a low level of use of parking in the adjacent affordable housing block. In their estimation, the proposed level of provision at 0.7 car parking spaces per flat would be adequate based on the utilisation rate of the existing car parking spaces associated with the adjacent affordable housing block
44. Nonetheless, The Council's transport officer has advised that the area is already at capacity for parking and with the proposed number of flats exceeding the proposed number of new on-site parking spaces, an objection to the proposal is raised on the grounds that the proposal will have a detrimental effect on highway safety with more vehicles circling surrounding streets in search for on street parking in an area that is already experiencing maximum on street parking due to no off street parking being available for the existing terraced houses in the area. Should planning permission be granted it is requested that a S106 to remove access to resident parking permits if a CPZ is introduced within this area within 5 years of the first occupation of a flat within the residential building approved.
45. Access to the site would remain as per the extant planning permission, which would be to the east of the existing affordable housing block. Access arrangements, both vehicular and pedestrian, together with turning areas have all been previously approved and built up to the junction of the southern boundary of the application site towards its eastern end. Hence, the application site only needs to make the necessary provisions within the site itself.
46. The proposed layout would allow all cars, fire appliances and refuse trucks to enter and leave the site in forward gear as on-site turning areas have been designed into the layout, consistent with the extant planning permission.

Construction Vehicles

47. Legitimate concerns have also been raised in regards to construction traffic impacts and a condition is imposed requiring a Construction Method Statement to be submitted to and approved by the Local Planning Authority prior to any works taking place on site.

Cycle Parking

48. Policy DM TP7 states that new development should provide appropriate cycle access and sufficient, secure cycle parking facilities. The cycle parking standards require that 9 cycle spaces be provided within the site. The drawings indicate that integral cycle storage for 12 cycles will be provided to the rear of the building in excess of standards.

Refuse and Recycling

49. Council's Residential Development Standards requires that secure storage be provided on-site for refuse and recycling bins. The proposal provides a covered refuse enclosure of suitable size to contain waste and recycling provision for the development (2 x 770litre for waste and 4 X 240 litre for recycling) and with step free access.

Railway Impacts

50. Network Rail's complete comments have been sent to the applicant's agent and an informative is attached drawing their attention to the need to address these concerns in any forthcoming applications discharging the conditions relating to demolition and construction method statement, lighting and landscaping.

Ecology and Trees

51. A phase 1 habitat survey has been undertaken of the site and has concluded that the site is currently of little value to wildlife on account of its small area and ecologically poor habitat. However, due to its proximity to the River Crane, a known bat corridor, there is potential for foraging bats and hence opportunities are available to provide ecological enhancements within the development that make provision for roosting bats i.e. bat boxes/bat bricks. Green walling, metal trellises covering some 230 sqm are also proposed to allow climbing plants from the species listed in the RHS Pollinator List. These measures plus new landscaping enhancing native vegetation are welcomed.
52. A lighting plan submitted indicates that light spillage will be limited at the rear of the site and a condition is imposed to ensure accordance.
53. A condition requiring a demolition and construction method statement to be approved prior to a material start on site will also include wildlife impact mitigation measures.
54. No trees of amenity value are present on site.

Sustainability

55. Policy DM SD 1 states that all new homes will be required to meet or exceed requirements of the Code for Sustainable Homes Level 3. The applicant has commissioned a sustainability and renewable energy report outlining the measures that could be incorporated into the proposed development. This report confirms the proposed flats will achieve Code Level 4 which is welcomed and secured via condition.
56. DM SD 1 also states that new developments must achieve a minimum 25 per cent reduction in carbon dioxide emissions over Building Regulations (2010) in line with best practice from 2010 to 2013 and 40 per cent improvement from 2013 to 2016.
57. A condition is attached to secure compliance.
58. The use of porous paving, rainwater harvesting for grey water use within the dwellings will significantly reduce surface water discharged into the sewers.

Flood Risk

59. The site lies 30m to the south of the River Crane and is located outside of its floodplain. The Environment Agency flood zone mapping shows the development site to be located within Flood Zone 1. The development proposal is a development type that would be classed as 'more vulnerable'. For such a combination of risk and vulnerability, neither an Exception or Sequential test need be applied to comply with the NPPF but it is necessary to examine all sources of flood risk. The applicant has submitted an FRA to focus on such site-specific issues including ground water, surface-water and sewer-related flooding and concluded that the site is not exposed to any significant risks of flooding.

60. Furthermore, condition NS04 requires that the ground floor flats are set at a finished floor slab level of 10.25AOD, 400mm above the 1:100 year extreme flood level.

Contamination

61. Given the change in use of the site to a more sensitive end use, an intrusive site investigation is required and this will be secured by condition.

Conclusion:

62. The redevelopment of this site has offered an opportunity to secure a significant affordable housing investment for the borough replacing outdated employment premises. The 100% social rented tenure is also welcomed. The new housing units are located in sustainable buildings minimising carbon emissions and are of an appropriate scale and design which combined with new landscaping will bring forth improvements to the site's appearance and ecology without causing harm to the adjacent Hamilton Road Conservation Area and Metropolitan Open Land and nearby street scenes. It is acknowledged that the proposed development's parking provision does not meet the maximum car parking standards within the DMP so eligibility for community parking zone permits will be removed should Norcutt Road be included within a CPZ within the next 5 years and car club membership required for all units. Moreover the change in use will remove the prospect of commercial vans and lorries, vehicles less appropriate to this narrow residential street than cars. Cycle parking provision exceeds standards while refuse collection, recycling and other servicing facilities are adequately catered for with appropriate turning areas provided.
63. It is considered that the scheme as presented offers an appropriate mix of benefits in terms of improvements to the site's appearance, affordable housing provision, landscaping and ecological enhancements whilst protecting local residential amenity.

I therefore recommend **that the Committee decide whether to authorise the completion of a section 106 agreement to secure those matters identified under the Heads of Terms above and grant planning permission subject to the conditions and informatives set out below:**

Standard conditions:

- AT01 - Development Begun Within 3 Years
- BD12A - Details of Materials to Be Approved
- BD10 - Sample Panels of Brickwork
- DS02 - Wheelchair Housing
- DS04 - Access for Disabled People
- DV19A - Parking – Private Vehicles (Communal) - 'The parking spaces'
- DV28 - External Illumination
- DV29E - Potentially Contaminated Sites
- DV30 - Refuse Storage
- DV33A - No Reduction in Dwelling Units – 'flats'
- DV42 - Details of Foundation – Piling
- DV44A - Code for Sustainable Homes - New Build~ #Code Level 4#
- DV47 - Lifetime Homes
- DV48 - Approved Drawing Numbers: #13/50/01A, 13/50/02A, 13/50/03B, 13/50/04, 13/50/05D, 13/50/06C, 13/50/07A and Materials Schedule#
- DV49 - Construction Method Statement
- LT09 - Landscaping Required - Hard and Soft
- PK02A - Parking/Loading/Turning Construction – #parking spaces within the application site# – #13/50/03B#
- RD09 - Levels of Thresholds

Non-standard conditions

- NS01 - Details of a system of rainwater harvesting shall be submitted to and agreed by the Local Planning Authority prior to the commencement of development.
REASON: In order to comply with national and local planning policies within the Council's Unitary Development Plan: First Review 2005 which promotes sustainable development and reduce surface water run-off.
- NS02 - That as part of development hereby approved bat boxes shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority; such details to show the number, type and location of the boxes. These boxes shall be installed prior to the occupation of any of the flats hereby approved.
Reason: To promote the interests of wildlife in the area.
- NS03 - Surface Water drainage and source control measures shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
Reason: To prevent the risk of flooding and to improve water quality
- NS04 - The ground floor finished floor level shall be at no less than 10.250 AOD
Reason: To prevent the risk of flooding and to improve water quality
- NS05 - None of the flats hereby approved shall be occupied until the dustbin and refuse recycling enclosure shown on approved drawing no:13/50/03B has been provided in accordance with these details or other detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.
REASON: To safeguard the appearance of the property and the amenities of the area.
- NS06 - No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with approved drawings 13/50/03B and shall remain in situ thereafter unless otherwise agreed in writing by the Local Planning Authority
REASON: To accord with this Council's policy to discourage the use of the car wherever possible.
- NS07 - Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority that demonstrate the development hereby approved shall incorporate energy efficiency measures which secure a Building Carbon Emissions Rate that shall be at least 40% lower than the development's 2010 Building Regulations Target Emission Rate, 20% of which shall be secured through the use of renewable technologies. These details shall provide the predicted output of the development's carbon emissions by a modelling process that utilises 2010 Building Regulations compliance software. The development shall be constructed in accordance with the measures and assumptions (e.g. U-values, air tightness, pv panels etc) incorporated within these details. REASON: In the interests of promoting sustainable development and tackling climate change in accordance with local and regional planning policy.

- NS08 - No development shall take place until a scheme for the acoustic insulation of the windows and balconies on the rear and side elevations of the building hereby approved, acoustic fencing to the rear boundary with the railway line and acoustic insulation of the cycle and refuse/recycling stores has been submitted to and approved in writing by the local planning authority. These schemes shall be implemented in accordance with the approved details before the dwelling units are occupied and shall be permanently retained thereafter.

Reason: To safeguard the amenities of future occupiers of the development.

Standard informatives:

COMH05 - Composite Informative

IE06 - Piling – consult EHO

IL13 - Section 106

IM01 - Disabled Persons

IM09 - Disabled Parking

IM11 - Use of Hardwoods

IM13 - Street Numbering

IT05 - Trees – Size of New Stock

IX03 - Soil and Surface Water Drainage

IX04 - Surface Flooding

IX09A - Thames Water Sewer

IX10A - Network Rail (adapted)

NI01 - EDF has an underground mains cable within the proposed area and the applicant is advised to contact Connections, Projects South, Bircholt Road, Parkwood, Maidstone, Kent (tel 0845 234 0040).

NI02 - Thames Water advise that the proper provision of surface water drainage to ground, water courses or surface water sewer is the developer's responsibility. The surface water linked to the development must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. The applicant is recommended to a) ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution, b) check the proposals are in line with the advice from the DETR which encourages, wherever practicable, disposal on site in the form of soakaways or infiltration areas on free draining soils and c) ensure the separation of foul and surface water sewerage.

Background papers:

Application forms and drawings

Letters of representation

Application reference: 17/1033/FUL
SOUTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
16.03.2017	16.03.2017	15.06.2017	15.06.2017

Site:

Lockcorp House , 75 Norcutt Road, Twickenham, TW2 6SR

Proposal:

Demolition of Lockcorp House; erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three car parking spaces including one disabled space, ancillary cycle and refuse storage and landscaping.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Lockcorp Limited
Lockcorp House
75 Norcutt Road
Twickenham
TW2 6SR

AGENT NAME

Mr Robin Harper
The Boathouse Design Studio
27 Ferry Road
Teddington
TW11 9LY

DC Site Notice: printed on 11.04.2017 and posted on 21.04.2017 and due to expire on 12.05.2017

Consultations:

Internal/External:

Consultee

14D POL
14D Urban D
LBRUT Transport
Network Rail
LBRuT Trees Preservation Officer (North)
Thames Water Development Control Department
LBRuT Ecology
LBRUT Environmental Health

Expiry Date

25.04.2017
25.04.2017
25.04.2017
02.05.2017
25.04.2017
02.05.2017
25.04.2017
25.04.2017

Neighbours:

71 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
69 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
67 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
65 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
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59 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
57 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
11 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
10 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
9 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
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4 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
3 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017
2 Alcott House, 73 Norcutt Road, Twickenham, TW2 6SR, - 11.04.2017

1 Alcott House,73 Norcutt Road,Twickenham,TW2 6SR, - 11.04.2017
55 Norcutt Road,Twickenham,TW2 6SR, - 11.04.2017
53 Norcutt Road,Twickenham,TW2 6SR, - 11.04.2017
51 Norcutt Road,Twickenham,TW2 6SR, - 11.04.2017
Greggs,Gould Road,Twickenham,TW2 6RT, - 11.04.2017

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date:23/06/2015

Application:14/0157/FUL

Demolition of the existing light industrial building and replacement with a detached three-storey building (with accommodation in roof) to provide 9 No.flats (all affordable housing) together with 6 off-street car parking spaces and associated amenity and landscaping areas.

Development Management

Status: PCO

Date:

Application:17/1033/FUL

Demolition of Lockcorp House; erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three car parking spaces including one disabled space, ancillary cycle and refuse storage and landscaping.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable

YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement

YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file)

YES NO

This application has representations on file

YES NO

Case Officer (Initials): DYF

Dated: 13/09/17

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: 19/9/17

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

17/1033/FUL

75 Lockcorp House, Norcutt Road, Twickenham, TW2

Site:

The site is located at the end of the Norcutt Road cul-de-sac and originally accommodated a two-storey office building, Norcutt House and three light industrial units.

The application site has an area of 0.072 hectares and currently occupies a single-storey building (B1 (c) Use) covering approximately half of the site. The remainder of the site is covered in hardstanding.

Norcutt Road is a narrow residential street with predominantly two-storey Victorian terraced housing with the exception of the three-storey block of flats immediately south of the site.

The site is bordered by the railway line to the north with Metropolitan Open Land (MOL) located behind. To the east of the site is an electricity sub-station and to the west is the Gregg's bakery site.

Planning history:

03/2570/FUL was approved by the Planning Committee in November 2003, for 10 private terraced houses, 10 affordable flats and 800sqm of B1 office space. The approved development was never constructed.

05/1797/FUL was refused and dismissed on appeal in November 2005 for the redevelopment of the site to provide 14 No.3 bed terrace houses and 18 affordable flats, due to the proposal being purely residential and would result in the loss of employment land.

06/2018/FUL was approved by the Planning Committee in January 2009, for the demolition of all existing buildings on the site and redevelopment to provide a terrace of 7 houses, 2 x 1 bed flats and 2 studio flats (open market), a single block of 1 x 3 bed, 5 x 2 bed and 5 x 1 bed flats (all affordable) and a single office block comprising of 900sqm GFA with associated off street car parking and landscaping.

The planning permission was accompanied by a Section 106 Agreement, stating:

- 'In the event the developer has not implemented the single office block of 900sqm within 2 years of a material start or by 31 December 2014, whichever is the later, the developer shall pay the Council the affordable housing contribution (£100,000).'

14/0157/FUL was approved by the Planning Committee in June 2015, for the demolition of the existing light industrial building and replacement with a detached 3-storey building (with accommodation in roof) to provide 9 flats (all affordable) together with 6 off-street car parking spaces and associated amenity and landscaping areas.

This approval is in addition to the existing approval (06/2018/FUL). The original S106 agreement was varied to the following:

- 'In the event that the developer has not implemented that part of the development comprising a single office block of 900sqm within two years of a material start or by 1 March 2017, whichever is the later, the developer shall pay to the Council the Affordable Housing Contribution (£100,000), or fully implement the second planning permission (14/0157/FUL) by 1 March 2017 (e.g. implement 3 storey affordable housing building).'

To date, neither the office block (first planning permission) nor the affordable housing block (second planning permission) has commenced construction and therefore, the provisions of the original s106 agreement still stand as regards the affordable housing contribution.

Proposal:

The proposal includes the demolition of an existing light industrial building and the erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three car parking spaces including one disabled space, ancillary cycle and refuse storage and landscaping.

The building would be built in London Yellow Stock Brick with the top floor being clad in light grey metal cladding. The building would have a green roof with PV panels (hidden by the parapet). The cycle and bin storage would be located on the eastern boundary and would be timber clad.

The proposal would form part of a larger development for which permission was granted in January 2009, and subsequently part constructed. The completed component of the larger development includes 7 terraced houses and 4 flats (open market) and a block of 11 affordable flats. The uncompleted component of this approval includes a 900sqm office block. A subsequent approval was approved in June 2015, for the section of land intended for the office block. Permission was granted for a three storey building providing 9 affordable flats. The permission has not been implemented.

Main development plan policies:

Core Strategy (2009): CP1 - Sustainable Development; CP2 - Reducing Carbon emissions; CP3 - Climate Change; CP5 - Sustainable Travel; CP6 – Waste; CP7 – Maintaining and Improving the Local Environment; CP14 – Housing.

Development Management Plan (2011): DM SD1 - Sustainable Construction; DM SD 6 - Flood Risk; SD7 - Sustainable Drainage; DM SD 10 - Water and Sewerage Provision; DM OS5 - Biodiversity and new development; DM HO 2 – Infill Development; DM05 – Housing to Meet Specific Community Needs; DM TP 2 - Transport and New Development; DM TP 7 – Cycling; DM TP 8 – Off Street Parking (Retention and New Provision); DM DC1 - Design Quality; DM DC4 - Trees and Landscape requires; DM DC 5 - Neighbourliness, Sunlighting and Daylighting

Supplementary Planning Guidance/Documents: Design Quality SPD (February 2006); Affordable Housing SPD (March 2014); Planning Obligations SPD (November 2014); Residential Development Standards SPD (March 2010); House Extensions and External

Alterations (May 2015); Refuse and Recycling Storage Requirements SPD (April 2015); Small and Medium Housing Sites SPD (February 2006); Sustainable Construction Checklist Guidance Document SPD (January 2016);

Local Plan – Publication version for public consultation (December 2016): LP1 - Local Character and Design Quality; LP8 - Amenity and Living Conditions; LB16 - Trees, Woodlands and Landscape; LP20 – Climate Change Adaptation; LP21- Flood Risk and Sustainable Drainage; LP22 – Sustainable Design and Construction; LP24 – Waste Management; LP34 – New Housing; LP37 – Housing Needs of Different Groups; LP39 – Infill, Backland and Backgarden Development; LP45 – Parking Standards and Servicing.

Public representations:

23 properties were initially consulted on 11/04/17 and a site notice erected, following requests for a wider consultation a further 35 properties were consulted on 16/05/17.

57 objections were received from 51 properties raising the following issues:

Transport concerns

- Inadequate parking provision
- Parking overspill onto the road/ parking stress in the area
- The area needs a CPZ
- The road is a cul-de-sac, increase in pedestrian/vehicular traffic
- Most students have cars
- Students arrive with a car-load of possessions each term
- No provision for delivery vehicles
- No access for emergency vehicles
- More 'short stay' parking spaces are needed
- The halls are too far away from the university, most students will drive
- All developments should be self-sufficient in parking
- Cycle parking won't get used/ not fully accessible
- Previous applications in the Borough have been rejected for lack of parking
- No turning space for construction vehicles
- The conclusions by the transport consultant are wrong
- The extant permission for 9 flats would not generate more traffic

Design/ amenity concerns

- Building is an eyesore
- Too tall/ overshadowing
- Loss of light to neighbouring windows
- Loss of privacy
- Design out of keeping with the road
- Building is too large and overbearing
- The building will block views
- No meaningful landscape proposals
- Light spillage/ controls on external lighting
- Drawings give false impression of height
- Overdevelopment/ high density development

Other issues

- Local plan states student accommodation is a lower priority than affordable housing
- Increase in crime/ anti-social behaviour
- No reference to what the building will be used for in the holidays
- Impact on bats on the River Crane corridor
- No provision for warden accommodation
- No external smoking area
- Students will be there for a year – no interest in community
- Noise and disturbance from students in a family area
- Increase in rubbish
- The Greggs site would be more suitable
- Over-intensification of the site
- No infrastructure to support the use
- Wider notification required
- Developer has carried out no consultation with the neighbours
- The area was subject to an office development only
- Noise during construction
- Contrary to Richmond's Local Plan
- No explanation as to why the use is needed in this area
- Not a suitable location for student accommodation
- Impact on property values
- Have any other sites been considered?
- This site was meant to be for a small office development

Statutory and other non-Council Consultees:

Network Rail

No objections subject to conditions.

Internal comments:

Trees

No in principle objections. The site has no trees of significance; there is a belt of trees that have developed on the railway embankment that soften the view from the playing fields of the current site and the large block of flats behind (No. 73). If these trees are lost then it would have an impact on the view from the adjacent playing fields.

A further consideration given that the proposed block is very close to the railway boundary will be the future management issue regarding the trees and blocking of light (although, as to the north not direct sunlight). The trees are on operational land and therefore the likely hood of regular pruning is low.

The proposal will need to provide tree protection details to demonstrate that the off-site trees can be protected and retained.

Tree planting as shown on the submitted drawing to give a landscape tree adjacent to the railway is supported; the tree would need to be suitable size and species. This could be conditioned along with landscaping requirements.

Ecology

No objections subject to conditions requiring details of external lighting, landscape proposals, wildlife enhancements, brown roof enhancements and bird nesting habitats.

Professional comments:

The main considerations material to the assessment of this application have been summarised as follows:

- Principle of Development
- Design and Impact
- Highways and Transportation
- Amenity Impact
- Living Standards
- Energy and Sustainability
- Railway Impacts
- Trees

Principle of Development

The existing site consists of a light industrial building which was formerly part of a phased redevelopment of a larger site. The Borough has a recognised serious shortage of employment land and premises and is designated as 'Restrictive Transfer' for light industrial premises in the London Plan. The use of employment land for other purposes will only be permitted in exceptional circumstances when the steps set out in DM EM 2 have been followed. The sequential approach has been properly conducted and consent for 100% affordable housing was previously granted permission.

The implementation of 14/0157/FUL would deliver 100% affordable housing in the form of 9 affordable rented flats to address priority local needs. The scheme is supported by a local Registered Provider and the Council's Housing Development Manager and funding is currently available to assist with implementation. A variation was agreed in the Legal Agreement to 14/0157/FUL in relation to the requirement for a payment to affordable housing that would come into effect if previous permissions^{and} not implemented. This application proposes a different use for redevelopment to provide student accommodation of 49 bedrooms.

Policies DMHO5 and LP37 (B) states that planning permission will be granted for new accommodation where housing is providing for an identified local need, across a range of tenures, providing they are on a site and in a location suitable for that particular use, and in accordance with other environmental, transport, parking and other relevant policies.

The Council's SHMA argues that the provision of student accommodation seems currently sufficient to meet the local students' needs. The supporting text recognises one of the current priorities as student accommodation to meet needs of institutions within the Borough. The supporting text in the Local Plan specifically clarifies that this is a lower priority than affordable and supported housing priorities. The text in the London Plan also states that if accommodation is not robustly secured for students, it will normally be subject to the requirements of affordable housing policy. The supporting text clarifies that strategies produced by third parties demonstrating local need should have been subject to consultation

with appropriate bodies or verification to demonstrate the robustness of the evidence to the Council. If there is no evidential need arising within the borough, other priorities should be addressed and the capacity for conventional housing should not be compromised. This reflects London Plan Policy 3.8 on Housing Choice.

The scheme was subject to pre-application advice where it was stated the proposal would be brought forward in collaboration with St Marys University and a wider strategy to meet the needs of their student housing. However the application is no longer on that basis and it refers to both universities in the borough - St Mary's University and Richmond American International University.

The Planning Statement refers to their student numbers, and both of their aims for future growth. Paragraph 6.23 refers to a review of accommodation provided by both universities as identifying existing bed spaces located within the borough, and goes on to state "it is evident therefore that the provision of student accommodation in the borough is insufficient to meet current and future needs of the two universities located in the borough (setting aside the London Plan requirement for boroughs to contribute towards meeting strategic need) and unless the shortfall is addressed, it will result in increased pressure on the private rented sector". It also refers to Government guidance encouraging provision of more dedicated student accommodation taking pressure off the PRS and increasing overall housing stock.

The submission does not include a strategy for St Mary's University or a business case that demonstrates local needs for bedspaces. Furthermore, the applicant has not agreed to Heads of Terms that would tie the proposal solely to St Mary's University.

There is no dedicated evidence provided with the application of the local needs, and there is no means to confirm that the proposed bed spaces will be for students at institutions within the borough. The application therefore does not satisfy Policies DMHO5 and LP37(B). Given this is a site with an extant permission for affordable housing, student housing is considered a lower priority than affordable housing, and therefore it does compromise capacity. This also fails to address Policies CP15, DMHO6 and LP37, which set out the framework to require contributions to affordable housing from all sites.

Design and Impact

The NPPF attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. New developments are encouraged to respond to local character and history and reflect the identity of local surroundings and materials. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy DM DC1 of the DMP 2011 and emerging policy LP1 of the publication version of the Local Plan states that new development must be of a high architectural and urban design quality. Development must be inclusive, respect local and contribute positively, to its surroundings based on a thorough understanding of the site and its context.

Norcutt Road consists of predominantly two-storey terraced housing with pitched roofs. To the south of the site is a three-storey block of flats with a pitched roof. The proposed building

has been designed to be sited in approximately the same position as the previously approved housing scheme, extending slightly further to the eastern boundary. The building exceeds the previously approved height but the fifth floor is set back from the southern façade facing Norcutt Street and, as shown on the illustrative perspectives included in the DAS, would have minimal impact in views from the neighbouring townscape given the stepped height progression along the street.

The land to the north of the railway line falls within the grounds of Twickenham Rifle Club and is designated Metropolitan Open Land (MOL). Policy DM OS 2 states that when considering developments on sites outside MOL, any possible visual impacts on the character and openness of the Metropolitan Open Land will be taken into account. It is considered that the poor condition of the existing building, the improved design of the proposed and the presence of similarly sited buildings within the nearby vicinity e.g. Rowntree House; that the proposal would not have a significant impact upon the green, open character of the MOL and its impact is deemed acceptable.

Highways and Transportation

The site has a PTAL level of 2 (Poor) and is not within a Controlled Parking Zone. Policy DM TP8 states developments; redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. DM TP 7 seeks provision of appropriate cycling facilities.

Policy LP45 of the publication version of the Local Plan requires new development to make provision for the accommodation of vehicles (cycle, 2 wheel and, where applicable, lorry Parking and electric vehicle charging points) in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land.

The scheme is proposed to be a 'car free' scheme with the exception of 3 car parking spaces, one disabled space and two parking spaces for management and maintenance staff. Access to the site would remain as per the extant planning permission, which would be to the east of the existing affordable housing block.

The area suffers from significant parking stress, and a number of objections have been raised by neighbouring occupiers on Norcutt Road regarding the current parking situation and the proposal. The Transport Assessment states that the extant permissions for office use and affordable housing would generate a substantially higher level of trip generation and parking pressure than the proposal for student accommodation.

The site is located within walking distance to the St Mary's University Strawberry Hill Campus (approximately 25 minutes), however as the application is not being brought forward solely in conjunction with St Mary's University, the scheme cannot guarantee that the students will be attending this university. The submitted Transport Assessment is based on the students attending SMU; the impact of students attending other universities out of the Borough has not been considered and would likely to generate increased car ownership in an area at maximum capacity.

The fact that the roads are at capacity does not prevent car ownership, it would only result in displaced vehicles looking further afield for parking and therefore moving the parking problem to a larger area. Whilst the applicant has stated that the students would be prevented from owning a car in the student management plan, there is no way of enforcing this in practise.

Policy DM TP7 states that new development should provide appropriate cycle access and sufficient, secure cycle parking facilities. The drawings indicate that secure cycle storage for 32 cycles will be provided in excess of standards.

Concerns have been raised regarding construction vehicles and the impact on Norcutt Road, it is considered that a Construction Method Statement could be requested via a condition if the application was recommended for approval.

Amenity Impact

Policy DM DC5 of the DMP 2011 and emerging policy LP8 of the publication version of the Local Plan requires that developments do not cause harm to neighbouring amenities in terms of daylight/ sunlight, outlook, privacy, noise and disturbance.

Given the proximity of the development to the flats at Alcott House, 8.5 metres at the pinch point, the proposal is most likely to affect this building.

The site is located to the north of Alcott House; therefore there will be no loss of sunlight to these flats. The submitted Sunlight/ daylight assessment identifies some loss of daylight to the ground floor flats, but concludes in relation to BRE guidelines, Alcott House would overall still receive good levels of daylight . Furthermore given that the siting of the proposed building in relation to Alcott House would be virtually the same as the previously approved affordable housing scheme, it would therefore maintain the status quo in terms of outlook, sunlighting and daylighting. On the southern façade of the building facing Alcott House, the windows have also been angled to prevent overlooking into neighbouring windows.

The proposal has been designed to ensure that any future development at the adjacent Greggs site to the west is not compromised by the scheme.

Concern has been raised about noise and disturbance in relation to the proposed use as student accommodation. Whilst it is noted that the development is in a residential area, the site is located at the end of the street and with the exception of the block of flats, is not in close proximity to the houses.

Living Standards

The building would be set out in 'cluster flats' consisting of 4-6 en-suite bedrooms with a shared living room/ kitchen area. The flats vary in size from 97sqm for a 4 bedroom flat to up to 144sqm for the largest 6 bedroom flat. The smallest bedroom is 10.55sqm in area.

The adopted standards for C3 accommodation are not applicable for student accommodation and there are no national standards, however there is some concern that without the agreement that the student accommodation will meet the needs and standards of a local university, there is no confirmation that the university's standards have been met.

There is one lift proposed but there is no detail as to whether any units can accommodate wheelchair users (there is only one turning circle shown on the ground floor WC which overlaps with the basin). Furthermore no details have been provided as to proposed rents to ensure it will be affordable for students.

Energy and Sustainability

London Plan Policy 5.2 Minimising Carbon Dioxide Emissions states that proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. The Mayor's Sustainable Design and Construction SPG states that a 35% reduction in carbon dioxide emissions (in relation to Part L Building Regulations 2013) needs to be achieved. Policy 5.2 further states that carbon dioxide reduction targets should be met on-site or where clearly demonstrated this is not possible the shortfall may be provided off-site or through a cash-in-lieu contribution to secure savings elsewhere.

Policies CP 1 set out that development will be required to conform to the Sustainable Construction checklist. Policies CP2 and DM SD 2 set out that the council will seek to reduce its carbon dioxide emissions and require the evaluation, development and use of decentralised energy in development. CP 2 seeks an increase in the use of renewable energy by requiring all new development to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible by promoting its use in existing development. This is supported by DM SD 2 which seeks to maximise micro-generation of renewable energy. DM SD 2 further requires provision to be made for future connection to a local energy network should one become available.

The proposal would include the installation of photovoltaics and the development would seek to achieve a reduction of 38% improvement over the carbon emissions requirements of Part L 2013 which would comply with the standards set out in the Local Plan.

The submitted BREEAM Preliminary Assessment shows that the new development would achieve a score of 737% which equates to a rating of 'Excellent'.

In relation to Sustainable Drainage Systems (SuDs), the scheme is proposed to achieve 50% attenuation of the undeveloped site's surface water run-off.

Railway Impacts

Given the location adjacent to the railway line, Network Rail have commented on the application providing information for the applicant should the application be approved.

Trees

The site has no trees of significance; there is a belt of trees that have developed on the railway embankment that soften the view from the playing fields of the current site and the large block of flats behind (No. 73). If these trees are lost then it would have an impact on the view from the adjacent playing fields. If the application was recommended for approval, it is considered that tree protection details to demonstrate that the off-site trees can be protected and retained could be conditioned.

Conclusion

1. In the absence of a wider growth strategy for an existing local institution and in the absence of a legal agreement to secure the application site to that institution, the scheme fails to demonstrate that there is a local need for student housing. Given this the proposal would fail to comply with policies DMH05 of the Development Management Plan (2011) and LP37 of the Local Plan (2017).
2. In the absence of an agreement linking the site to a local institution and due to the site's restricted access and local parking conditions, the development would fail to provide sufficient off-street parking and would result in an unacceptable impact on on-street parking conditions and local traffic conditions. The proposal would therefore fail to comply with policy DMTP8 of the Development Management Plan (2011) and LP45 of the Local Plan (2017).

REASONS: AS PER CAPS + DN



Appeal Decision

Hearing Held on 24 April 2018

Site visit made on 24 April 2018

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2018

Appeal Ref: APP/L5810/W/17/3187677

Lockcorp House, 75 Norcutt Road, Twickenham TW2 6SR

- 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 Lockcorp Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/1033/FUL, dated 13 March 2017, was refused by notice dated 19 September 2017.
 - The development proposed is described as "*demolition of Lockcorp House; erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three parking spaces including one disabled space, ancillary cycle and refuse storage and landscaping*".
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of Lockcorp House; erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three parking spaces including one disabled space, ancillary cycle and refuse storage and landscaping at Lockcorp House, 75 Norcutt Road, Twickenham TW2 6SR in accordance with the terms of the application, Ref 17/1033/FUL, dated 13 March 2017, subject to the conditions set out in the attached schedule and completed Section 106 Unilateral Undertaking (UU) dated 8 May 2018.

Application for costs

2. An application for costs was made by Lockcorp Limited against the Council of the London Borough of Richmond upon Thames. However, that application has been withdrawn.

Preliminary Matters

3. With regard to emerging London Borough of Richmond upon Thames Local Plan (the LP) Policies LP 37 and LP 40 the Council is awaiting the Inspector's report following the plan's Examination in Public and main modifications. There are no proposed changes to the wording of Policy LP 37 but there are changes in respect of criterion 4 of Policy LP 40. It is clear to me that the LP is at an advanced stage and the policies it contains can be given significant weight.
4. A completed UU has been provided. The UU has secured the occupation to students attending the main campuses of education establishments located within the Council's administrative area or within five miles of its boundary and

within Greater London. It also makes a commitment to restricting the availability of Controlled Parking Zone (CPZ) permits to future occupiers of the proposed development. Both parties at the hearing confirmed the completed UU to be acceptable to them. I do not consider the UU would prejudice the interests of third parties, therefore, I have had regard to the UU in reaching my decision.

Main Issues

5. The main issues raised in respect of the appeal are: -
- (a) Loss of employment land in the absence of a legal agreement linking the proposed student accommodation to a particular local education institution with a demonstrated existing or/and future need; and
 - (b) Whether the proposed development can and should be secured as a parking restricted development.

Reasons

Loss of employment land and proposed student accommodation

6. Policy DM EM 2 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan (the DMP) resists the loss of existing employment sites within the Borough. Policy LP 40 of the emerging Local Plan reflects this. Policy DM HO 5 of the DMP indicates that planning permission will be granted for new accommodation where housing is providing for an identified local need. The supporting text to this policy indicates that this includes provision for colleges and other institutions for their students and/or staff. Policy LP 37 of the emerging Local Plan and its supporting text reflects that of Policy DM HO 5 of the DMP.
7. The appellant has drawn my attention to Policies 3.3 and 3.8 of the London Plan adopted in March 2016 and the evidence base that informed this Plan. Whilst the Council has not relied on these policies in its reason for refusal, these policies nonetheless form part of the development plan for Greater London and the London Borough of Richmond upon Thames. Policy 3.3 seeks to increase housing supply across London. Policy 3.8 requires Boroughs to plan for strategic and local accommodation needs of students, not local needs alone.
8. The National Planning Policy Guidance (the Guidance) requires Local Planning Authorities to plan for sufficient student accommodation but the Council has not specifically addressed this type of housing requirement within its future Housing Land Supply. The evidence base pertaining to the emerging New London Plan indicates a current and future student housing supply need across London. It identifies a net requirement of approximately 88,500 additional purpose-built student accommodation bed spaces between 2016 and 2041, or 3,500 per year when annualised over the 25-year period. It also encourages dispersal of provision requiring Boroughs to meet strategic as well as local need for student accommodation.
9. Although the appellant indicates that the proposal has been brought forward in consultation with St Mary's University (SMU), terms of the agreement have not yet been agreed with SMU. The Council's Strategic Housing Market Assessment (SHMA) December 2016 concluded that the current provision of the student accommodation was deemed sufficient to meet to meet the local

students' needs. I have not been provided with an assessment of existing and/or future student accommodation needs pertaining to SMU or Richmond American International University (RAIU). Both these universities are located within the Borough of Richmond upon Thames. Notwithstanding this, I have been directed to SMU's 'Vision' published in October 2016. This sets out the strategic aim to increase student numbers by an average of 5% each year to 2025.

10. Richmond upon Thames falls within the South West sub-region of London where five main higher education establishments are located wholly or partly within south west London. The neighbouring Borough of Kingston upon Thames also falls within this sub-region. I have been directed to Kingston Council's Core Strategy that recognises a shortfall of managed student accommodation for Kingston University students. This supports the London Plan evidence base that there is a need for student accommodation across Greater London.
11. Taking into account the London Plan evidence base along with the SMU's vision to increase student numbers per annum it appears to me that there would more likely than not be a demand for purpose-built student accommodation within the Borough of Richmond upon Thames. In addition, given the evidence base pertaining to the emerging New London Plan I consider there is also very likely to be a demand for student accommodation within five miles of its boundary within Greater London.
12. The provisions of the UU tie occupation to students attending the main campuses located within the Council's administrative area, those being SMU or RAIU although not specifically named, or to students attending campuses within five miles of the Borough boundary and within Greater London. The Council, at the hearing, indicted these limitations to be acceptable and advised the UU would address the Council's first reason for refusal.
13. Policy DM EM 2 of the DMP advocates a sequential approach be applied to the redevelopment of existing employment sites and prioritising affordable housing developments. Both parties have discussed the potential for the proposal to compromise the Borough's conventional housing needs. The appeal site has been the subject to a number of previous planning permissions, one of which has been lawfully implemented but not completed and another remains extant (planning references respectively 06/2018/FUL & 14/0157/FUL). I accept that the later permission would provide an affordable housing scheme that would meet an identified and unmet housing supply priority need within the Borough. However, there is no clear indication that the scheme would be implemented or that the earlier permission would be built out in full. I therefore concluded that these offer little justification in terms of support to resisting this current proposal.
14. Whilst the loss of this existing employment site would conflict with Policies DM EM 2 and LP 40 the proposed student accommodation would meet an identified housing need which Policies DM HO 5 and LP 37 support. On the evidence before me, including what I heard at the hearing, I consider the need for the development outweighs that of retaining the employment use of the site. The UU would secure the development for student accommodation. I consider the UU accords with the tests of Paragraph 204 of the National Planning Policy Framework (the Framework) and the advice in the Guidance.

The UU is necessary to make the development acceptable in plan terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Parking restricted development

15. The London Plan encourages dispersed distribution of future provision of student accommodation taking account of the development potential in accessible locations. However, the appellant acknowledges that Twickenham Station is beyond the threshold walking distance advocated by Transport for London. In terms of time mapping this shows that a very large area of London, which includes all of the major Universities in the capital, is within 45 – 90 minute public transport journey. Given these travel distances, there would be increased pressure for future occupiers to rely on private transport to access these education facilities.
16. Prioritising student occupation to those attending universities that have their main campus located within the Council's administrative area or within five miles of its boundary would limit the distance for occupiers to travel to their education campuses. However, this would not prevent future occupiers making use of their own vehicles for private transport.
17. Whilst there is currently no parking restriction within Norcutt Road, the Council's Parking Policy Manager has confirmed that a new draft CPZ Traffic Order is to be put in place in May this year. This Order would restrict parking to permit parking holders only between Mondays to Saturdays from 08:30 to 18:30. The Parking Policy Manager advised at the hearing that this is a lengthier parking restriction time period than that of other Orders in the Borough as this reflects the parking stress in this particular area. Whilst it would initially be for a temporary period of 6 months, the Parking Policy Manager explained that this period is necessary to establish whether any modifications to the Order are required. The Order would then be confirmed, that is, made permanent, following a report to Council cabinet members.
18. I accept that at this present time the certainty of a permanent Order cannot be guaranteed. However, the Council's Parking Policy Manager commented that in his experience the Council had not revoked an experimental Order, such as this, or allowed it to lapse. He also indicated that it would be extremely unlikely that this would happen in this instance given the level of parking stress that has been identified in the area and the extent of local support for a CPZ Order to be put in place. Indeed from the local representations received to both the planning application and appeal I can see that there is both concern raised to the parking stress in the area and support for a CPZ Order. It appears to me that it is highly likely that the Traffic Order will be forthcoming in the near future.
19. I consider that 49 occupiers of the student accommodation would add to the parking stress in the area if they were to make use of their own private vehicles for transport. The appellant has provided a UU that makes a commitment to restricting the availability of CPZ permits to future occupiers. Given the immediate parking stress in the area and acknowledging the commitments of the development plan and Framework to sustainable development, it is important that the scheme minimises inconvenience and dangers arising from possible additional vehicle generation. I therefore

consider the UU should be provided to secure the development as a parking restricted scheme.

20. I have been referred to two court cases¹ that have dealt with the appropriate legislation by which parking permit restricts can be secured. The UU seeks to control the availability of parking permits to future occupiers within the terms of section 106 of the Town and Country Planning Act 1990. Additionally, the UU is expressed as being made pursuant to section 16 of the Greater London Council (General Powers) Act 1974. I am satisfied that the UU would be registered as a local land charge and would be effective for its stated purpose. I am satisfied that the UU can prevent additional parking stress in the area and that it would meet the tests of paragraph 204 of the Framework and the Guidance as it is necessary to make the development acceptable in planning terms.
21. For these reasons, I consider the UU would overcome the second reason for refusal. As such, the development would comply with Policy DM P 8 of the DMP and Policy LP 45 of the Local Plan as it would not contribute to on-street parking stress in the locality.

Other Matters

22. Local concern has been raised to the design of the proposed development. Although it would have five storeys, the fifth storey would have a set back where it would front onto Norcutt Road. Given the stepped height of existing development along this street, the height of the building would not appear out of keeping in the context of existing developments and their differing heights. Whilst of modern design compared to that of the traditionally designed development along Norcutt Road, the Framework says that decisions should not attempt to impose architectural styles or particular tastes. An appropriately worded planning condition can ensure an acceptable external appearance would be achieved.
23. Turning to the impact upon adjoining occupiers' living conditions. The proposal would be constructed in approximately the same location as a previous development found to be acceptable to the Council. The findings of the Sunlight/Daylight Assessment submitted in support of the proposal concluded that Alcott House would receive good levels of daylight. Given the proposal would be positioned north of Alcott House with separation between respective developments, I have no reason to come to a different view. Whilst the development would be visible in the outlook of occupiers, I do not consider it would be harmfully dominant. Windows within the proposed development that would face Alcott House have been designed to have angled outlook. This would prevent observation toward the windows of Alcott House, therefore, privacy would be maintained. I do not consider the development would significantly impact other neighbouring residential or business occupiers.
24. Concerns are raised relating to external lighting at the site. I consider this could be satisfactorily controlled by an appropriately worded planning condition. A landscaping condition would ensure some vegetation forms part of the development.

¹ Westminster City Council v SSCLG and Mrs Marilyn Acorns [2013] EWHC 690 (Admin) & R (on the Application of Isaac Youssef Khodari) v Kensington and Chelsea RLBC [2015] EWHC 4084 (Admin)

25. In respect of concerns relating to noise, a condition could control construction works to ensure the living conditions of adjoining occupiers are protected during construction. There is no substantive evidence before me that would indicate noise and anti-social behaviour would occur as a result of the student occupation of the development.
26. The Framework seeks to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. Local concern has been raised to the student accommodation not being in keeping with the existing family nature of dwellings in the area. I consider the proposal would conform to the Framework as it contributes to creating mixed communities. On the available evidence I cannot conclude that the accommodation standard would be unacceptable or that the scheme would have a negative impact upon property values or to ecology in the area.
27. In reaching my decision, I have also considered the concerns raised by interested parties in respect of the lack of parking provision within the proposed development site. However, given my findings in relation to the second main issue I consider this matter would be satisfactorily addressed. I have also considered the concerns raised in respect of the cycle parking facilities. The numbers of cycle parking spaces would be in excess of the Council's required standards. With regard to ease of use and accessibility, I consider this can be secured via a planning condition and this matter can reasonably be left to the future assessment of the Local Planning Authority. Deliveries and servicing could also be controlled by condition.
28. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

29. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the Framework and the advice in the Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
30. In the interests of the appearance of the locality conditions relating to external surfacing materials, plant enclosure, facing brickwork, waste storage, hard and soft landscaping, solar panels and gas absorption head pump are necessary. Conditions relating to boundary treatment, limiting the use of the roof, waste storage, plant noise and lighting are required to protect the living conditions of adjoining occupiers. To ensure highway and pedestrian safety and to limit the effects of increased traffic movements conditions relating to construction management, car parking within the site and delivery and servicing are necessary. To conserve and enhance nature conservation conditions relating to landscaping and ecological enhancement are required. To mitigate harm conditions relating to surface water run-off, contamination and reduction of carbon dioxide emissions are necessary. In the interests of sustainability a condition relating to staff/student travel plan is appropriate, as are conditions relating to energy efficiency, provision of cycle parking facilities and the creation of the brown roof. To ensure railway safety, conditions relating to the boundary, reflective cladding or glazing, and lighting are appropriate.
31. Those conditions relating to railway safety, site contamination, the construction management at the site and ecology are pre-commencement conditions.

These conditions are fundamental to the acceptability of the proposal and therefore are necessary to be agreed before development takes place. I have altered some of the suggested conditions by amalgamating and/or removing detail in the interests of being more concise. The detail of conditions can reasonably be left to the assessment of the Local Planning Authority.

32. It is not clear what refuse or waste material would be left or stored on the site other than within a building or refuse enclosure. The Council has not explained how this might prejudice the appearance of the property and the amenities of the area. I therefore cannot conclude that such a condition is necessary.
33. The Council has put forward a Grampian condition relating to parking permits. To be effective and to ensure that the restriction can be defined and enforced, a UU has been completed. I consider this accords with the Framework and the Guidance as the UU provides the legal certainty that would ensure it is effective for its stated purpose. As this matter has been secured by the UU such a condition is unnecessary.

Conclusion

34. I have found that the loss of employment land would be acceptable as the UU would secure the development for student accommodation linked with local education institutions within the Borough or within five miles of its boundary and within Greater London. I have also found that the UU would prevent additional parking stress in the area. In addition, I have concluded that the proposed development would be an acceptable form of development, subject to appropriately worded conditions being imposed.
35. Having regard to the above the appeal should be allowed subject to appropriate conditions.

Nicola Davies

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Robin Harper	Harper Planning
Ms Alex Ground	Russell-Cook LLP

FOR THE LOCAL PLANNING AUTHORITY:

Ms Joanne Simpson	London Borough of Richmond-upon-Thames Council
Ms Joanne Capper	London Borough of Richmond-upon-Thames Council
Mr Mick Potter	London Borough of Richmond-upon-Thames Council

INTERESTED PERSONS:

Mr Mike Allsop	Observer
Mr Jeremy Janion	Observer
Mr Didar Singh Sangha	Observer and Resident
Ms Natalie Nesbitt	Observer and Resident
Mr Hester Huttenbach	Observer and Resident
Ms Trudy Jones	Observer and Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground dated 24 April 2018.
2. Undated and partly signed S106 Unilateral Undertaking.
3. Appellant's Response to Planning Objection from Robert Heslop

DOCUMENTS SUBMITTED AFTER THE HEARING

Signed S106 Unilateral Undertaking dated 8 May 2018

SCHEDULE

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos JJ01_P_001, JJ01_P_011, JJ01_P_021, JJ01_P_022, JJ01_P_031, JJ01_P_051, JJ01_P_052, JJ01_P_053, JJ01_P_054, JJ01_P_101, JJ01_P_102, JJ01_P_103, JJ01_P_201, JJ01_P_301 & JJ01_P_401.
- 3) Prior to installation on site details of the external surfaces of the building, including fenestration and soffits, and, where applicable, all areas of permeable hard surfacing of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to installation on site details/samples of the plant enclosure of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plant enclosure details.
- 5) Prior to installation on site sample panels of facing brickwork showing the proposed colour, texture, face-bond and pointing of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved facing brickwork details.
- 6) A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be put in place prior to any occupation of the development hereby permitted. The development shall be carried out in accordance with the approved boundary treatment and shall be retained as such for the lifetime of the development.
- 7) The roof of the building shall not be used for any purpose other than as a means of escape in an emergency or for maintenance of the building.
- 8) Prior to any occupation of the development hereby permitted details of the storage and disposal of refuse/waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved storage and disposal of refuse/waste details and shall be retained for the lifetime of the development.
- 9) No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Construction Management Statement.

- 10) Details of the measures to limit carbon dioxide emissions shall be submitted to and approved in writing by the local planning authority. The measures to limit carbon dioxide emissions shall be put in place prior to any occupation of the development hereby permitted. The development shall be carried out in accordance with the approved measures to limit carbon dioxide emissions and shall be retained as such for the lifetime of the development.
- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for soft landscaping has been submitted to and approved in writing by the local planning authority. This shall include a scheme of landscape maintenance for a minimum period of 5 years from the date of completion of the landscaping. The soft landscaping shall be carried out in accordance with the approved details. All new planting, seeding and turfing relating to the approved soft landscaping shall be implemented in the first planting and seeding season following the completion or occupation of any part of the development, whichever is the sooner. Any trees, plants or vegetation that within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 12) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for hard landscaping has been submitted to and approved in writing by the local planning authority. None of the units shall be occupied until the hard landscaping has been carried out in accordance with the approved details.
- 13) Prior to any occupation of the development hereby permitted a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme for the control of noise and vibration of any plant prior to the first occupation of the development. The plant shall thereafter be retained and operated in compliance with the approved scheme for the control of noise and vibration for the lifetime of the development.
- 14) Any Plant/Mechanical Services to be installed shall not be operated except in accordance with the following noise criteria: -

The cumulative measured or calculated rating level of noise emitted from the plant to which the application refers, shall be 5dB(A) below the existing background noise level or 10dB(A) below if there is a particular tonal or discrete component to the noise, at all times that the mechanical system, etc. operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1m from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142. In addition the noise from the plant must continue to achieve the "good to reasonable standard" for internal noise levels detailed in Table 5 of BS 8233 'Sound Insulation and Noise Reduction for Buildings Code of Practice'. In addition the noise from the plant must continue to achieve the "good to reasonable standard" for internal noise levels detailed in Table 5 of BS 8233 'Sound Insulation and Noise Reduction for Buildings Code of Practice'.

- 15) Prior to any occupation of the development hereby permitted details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved cycle parking facilities details prior to the first occupation of the development. The cycle parking facilities shall thereafter be retained for the lifetime of the development.
- 16) Details of the solar panels and gas absorption heat pump shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved solar panels and gas absorption heat pump details prior to the first occupation of the development. The solar panels and gas absorption heat pump shall thereafter be retained for the lifetime of the development.
- 17) The development shall be carried out in accordance with the details set out in Planning Statement Energy Assessment by Eight Associates received on 16 March 2017 and thereafter shall be retained in accordance with these details for the lifetime of the development.
- 18) Prior to any occupation of the development hereby permitted details/specification of the brown roof (including the precise extent and the plant species, if applicable, to be used, irrigation method and maintenance plan) shall be submitted to and approved in writing by the local planning authority. The brown roof shall be implemented in accordance with the approved details prior to the first occupation of the development. The brown roof shall thereafter be retained for the lifetime of the development.
- 19) The development shall be carried out in accordance with the details set out in bio-retention systems and permeable paving set out in the SUDS and Flood Risk Assessment by Eight Associates and thereafter shall be retained in accordance with these details for the lifetime of the development.
- 20) The development hereby permitted shall not be occupied until the 3 car parking spaces shown on Drawing No. JJ01-P_101 Rev 0 have been constructed and laid out. The parking spaces shall thereafter be

retained for users in connection with the development hereby permitted over the lifetime of the development.

- 21) Prior to occupation a staff and student travel survey shall be undertaken in accordance with a survey methodology to be agreed by the local planning authority and this, along with a staff and student travel plan, shall be submitted to and approved in writing by the local planning authority. Within 6 months of the first occupation of the development hereby permitted, an updated staff and student 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 the transport needs of staff and students/visitors to the development, to minimise car usage and to achieve a shift to alternative transport modes. Following approval of these details by the local planning authority, the staff and student travel plan shall be implemented in full to secure the objectives and targets within the approved travel plan. The staff and student travel plan (including surveys) shall thereafter be annually revised and a written review of the staff and student travel plan submitted to and approved in writing by the Council by the anniversary of its first approval and yearly thereafter. At the third anniversary, the travel plan (including surveys) shall be re-written, and resubmitted for further written approval by the Council. This review and re-write cycle shall continue every three years and any approved revision shall be implemented within three months of the date of the local planning authority written approval.
- 22) Prior to any occupation of the development hereby permitted a delivery and servicing management plan, including vehicle tracking diagrams shall be submitted to and approved in writing by the local planning authority. Delivery and servicing shall be carried out in accordance with the approved management plan over the lifetime of the development.
- 23) Prior to the commencement of the development hereby permitted, details confirming the integrity of the existing railway formation and structures in relation to any proposed excavation, piling and other construction methods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 24) All structures shall be situated at a minimum distance of two metres from Network Rail's boundary fence.
- 25) The development hereby permitted shall not include areas of reflective cladding or glazing on elevations which face onto the railway line.
- 26) The new fence screening shall be independent to that of Network Rail fencing and allow room for maintenance of both fences.
- 27) No development shall take place until: -
 1. a) a desk study detailing the history of the site, hazardous materials, substances used, together with details of a site investigation strategy

based on the information revealed in the desk study has been submitted to and approved in writing by the local planning authority;

b) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work shall be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.

c) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the local planning authority Note: some demolition work, if required, could be allowed beforehand for enabling the above requirement (1b), subject to the agreement of the Local Planning Authority.

2. None of the dwellings/buildings hereby approved shall be occupied until: -

a) the remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition [1(b, c)] above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

- (29) Within 6 months of the commencement of development hereby permitted, details setting out the external lighting for the site including locations, specifications, baffles, mounting heights, columns and types of lights and associated lux contour spread sheets, shall be submitted to and be approved in writing by the local planning authority. The approved external lighting shall be implemented in full and shall thereafter be retained for the lifetime of the development.
- (30) Prior to the commencement of the construction works, an Ecological Enhancement Plan shall be submitted to and approved in writing by the local planning authority. Details of swift bricks attached to the development, bat bricks built into the development and invertebrate habitats to supplement the wildlife friendly planting scheme shall be provided, and shall include specifications, locations, positions and aspects. The details shall also include details of roof nesting bird habitat such as gravel and kestrel boxes. The development shall be carried out

in accordance with the Ecological Enhancement Plan and the ecological enhancement measures shall thereafter be retained for the lifetime of the development.

APPLICATION	19/2789/FUL
ADDRESS	Lockcorp House, 75 Norcutt Road, Twickenham TW2 6SR
PROPOSAL	Demolition of existing commercial building and erection of building to provide 15 affordable residential units, together with 12 parking spaces and communal amenity space.
APPLICANT	Leek Real Estate (No.1) Limited/Paragon Asra Housing
AGENT	Mr Kevin Goodwin
CONTACT OFFICER	William Tysterman
APPLICATION RECEIVED	25/9/2019
WARD	South Twickenham

https://www2.richmond.gov.uk/lbrplanning/Planning_CaseNo.aspx?strCASENO=19/2789/FUL



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Do not scale'

1. SUMMARY

The site is currently occupied by a two-storey commercial building. The application site comprises an area of approximately 720m². The northern boundary of the site is formed with a post and wire security fence to the adjacent Network Rail land. Most notably within the immediate context is the former Greggs Bakery site, immediately to the west of this application site, currently the subject of redevelopment proposals (application reference 19/0646/FUL). Immediately to the east of the application site (to the north end of Warwick Road) lies a local electricity substation. Immediately to the south of the site is the recent development of apartments and a terrace of houses which were granted permission in 2009 following an application in 2006. Both vehicular and pedestrian access is solely from the northern end of Norcutt Road via the new access driveway of the recent residential development at 51-73 Norcutt Road.

The application proposes the demolition of existing commercial building and erection of building to provide 15 affordable residential units, together with 12 parking spaces and communal amenity space.

The site has relevant planning history specifically application ref 17/1033/FUL and appeal reference APP/L5810/W/17/3187677 for student flats. Although the current proposal would mean the loss of an employment use and would be contrary to the Development Plan Policies LP40 and LP42, given the fallback position for student flats which also did not continue an employment use, the scheme does support the delivery of the scheme of 15 affordable flats as 100% shared ownership. The current scheme would provide the benefit of improving the local need for affordable housing without creating adverse impacts in terms of other material planning considerations. The application is considered the maximum reasonable amount of affordable housing and in accordance with Policy LP36.

The proposal would have an acceptable design would not adversely impact on the character of the area, trees, or protected species subject to conditions. The proposal would also be acceptable for existing and future residents as well as not adversely impacting on technical considerations such as Highway Safety, parking, drainage and contamination. The proposal would also result in a sustainable development with regards to CO2 emissions and zero carbon payments although an update on this is expected within the late representations.

Consequently, officers have a recommendation of approval subject to conditions and a Section 106 securing the provision of the affordable housing units, car club membership, parking permit restrictions and zero carbon payments.

1.1

It is recommended the Planning Committee grants planning permission with the conditions listed in Section 12 of this report.

It is recommended the Planning Committee authorises the Assistant Director (Planning & Transport Strategy):	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the obligations in Section 11 of this report and with the conditions listed in Section 12 of this report.
2.	To refuse planning permission if an undertaking to secure the infrastructure in Section 11 of this report has not been satisfactorily completed within 6 months of the date of determination for the reason that the proposed development would not be accompanied by affordable housing, zero carbon payments and transport mitigation measures .

2. REASON FOR PLANNING COMMITTEE DETERMINATION

2.1 The Council’s Constitution does not give the Assistant Director of Environment & Community Services (Planning & Transport Strategy) delegated powers to determine the application in the way recommended; such decisions can only be made by the Planning Committee.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site is located approx. three quarters of a mile to the west of Twickenham town centre with Twickenham Railway Station a similar distance to the north east. The site is currently occupied by a two storey commercial building. The application site comprises a parcel of land located at the northern end of Norcutt Road which is a residential street consisting mainly of typical late Victorian terraced 'cottages'. There are similar roads arranged parallel to Norcutt Road, each of which are cul-de-sacs terminated by the railway line. The northern boundary of the site is formed with a post and wire security fence to the adjacent Network Rail land. There is a wide verge with overgrown scrub vegetation between the site boundary and the railway lines.

- 3.2 The local area also has various commercial and light industrial sites that have developed in parallel with the houses. Most notably within the immediate context is the former Greggs Bakery site, immediately to the west of this application site. This is currently the subject of redevelopment proposals and is awaiting the determination of a planning application that would provide a total of 116 residential units with 175sqm of commercial space (application reference 19/0646/FUL). It is separated from it by a tall 2m+ high boundary (acoustic type) timber fence. Immediately to the east of the application site (to the north end of Warwick Road) lies a local electricity substation. Immediately to the south of the site is the recent development of apartments and a terrace of houses which were granted permission in 2009 following an application in 2006. The rear (north) elevation of the apartment building forms the southern boundary of the application site.
- 3.3 Both vehicular and pedestrian access is solely from the northern end of Norcutt Road via the new access driveway of the recent residential development at 51-73 Norcutt Road. The site is in Flood Zone 1 as designated by the Council's Strategic Flood Risk Assessment.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the demolition of existing commercial building and erection of a building to provide 15 affordable residential units, together with 12 parking spaces and communal amenity space. The application is supported by the following documents:
- Application Form
 - Site location Plan, Block/Roof Plan, Existing and Proposed Floor Plans, Elevations, Topographical Survey
 - Air Quality Assessment
 - Construction Logistics Plan
 - Design and Access Statement
 - Energy Report
 - Flood Risk Assessment
 - Health Impact Assessment
 - Marketing Statement
 - Noise Risk Assessment and Acoustic Design Statement
 - Overheating Report
 - Phase 1 Contamination Report
 - Planning Statement
 - Schedule of Accommodation
 - Statement of Community Involvement
 - Sustainability Statement
 - Transport Assessment
 - Travel Plan
 - Daylight and Sunlight Report
 - Land Register
 - Land Title Plan

Amendments

4. All additional information has been submitted, no amendments have been received.

Relevant Planning Applications

Reference	Description	Decision
19/1580/DEMPN	Demolition of building.	Approved – 13/6/2019
17/1033/FUL	Demolition of Lockcorp House; erection of a part four, part five-storey building comprising 9 no. student cluster flats (49 study/bedrooms in total); three car parking spaces	Refused – 19/9/2019, allowed on appeal – 23/5/2018

	including one disabled space, ancillary cycle and refuse storage and landscaping.	
14/0157/FUL	Demolition of the existing light industrial building and replacement with a detached three-storey building (with accommodation in roof) to provide 9 No.flats (all affordable housing) together with 6 off-street car parking spaces and associated amenity and landscaping areas.	Approved – 23/6/2016

The site has also been subject to a number of pre application enquiries.

5 DEVELOPMENT PLAN

London Plan (2016)

New London Plan (Intend to publish 2020)

Policy T6 - Parking

Richmond Local Plan (2018)

5.1 The main Development Plan policies applying to the site are:

- LP1 Local Character and Design Quality
- LP2 Building Heights
- LP3 Designated Heritage Assets
- LP7 Archaeology
- LP8 Amenity and Living Conditions
- LP15 Biodiversity
- LP16 Trees, Woodlands and Landscape
- LP20 Climate Change Adaptation
- LP21 Flood Risk and Sustainable Drainage
- LP22 Sustainable Design and Construction
- LP24 Waste Management
- LP34 New Housing
- LP35 Housing Mix and Standards
- LP36 Affordable Housing
- LP 37 Housing Needs of Different Groups
- LP38 Loss of Housing
- LP39 Infill, Backland and Back garden Development
- LP40 Employment and local Economy
- LP41 Offices
- LP42 Industrial land and business Parks
- LP44 Sustainable Travel Choices
- LP45 Parking standards and servicing

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Supplementary Planning Documents

Affordable Housing
Buildings of Townscape Merit
Car Club Strategy
Design Quality
Development Control for Noise Generating and Noise Sensitive Development
House Extension and External Alterations
Front Garden and Other Off Street Parking Standards
Planning Obligations
Refuse and Recycling Storage Requirements
Residential Development Standards
Small and Medium Housing Sites
Sustainable Construction Checklist
Village Plan - Twickenham

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

6.3 Other Strategies or publications material to the proposal are:

- Community Infrastructure Levy
- Twickenham Green Conservation Area Statement
- West Twickenham Cluster 30/11/14 / Ref: ART4/CJ/012 / Article 4 Direction - Effective from: 30/11/2014

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7.1 82 occupiers were notified directly of the application.

7.2 A statutory notice advertising the application was posted at the site on 4/10/19 and the application was advertised in a local paper distributed in the borough on 4/10/19.

0 letters were received supporting the application.

3 letters were received objecting to the application, summarised as:

- Parking problems within the area, does not fall within CPZ. Units must be matched by parking spaces, residents may have 2 cars.
- Noise and disturbance generated by the development disrupting a quiet street
- Loss of light or overshadowing
- Overlooking loss of privacy
- Visual amenity

6 letters were received with observations to the application, summarised below:

- Parking – 12 carparking spaces, 2 electric car spaces and 2 for visitors only 7 for the flats – not enough parking, will there be communal use of the Electric car spaces.
- Norcutt Road is part of the CPZ – would residents be eligible for new permits
- Not enough disabled spaces in Norcutt Road
- Will the speed limit be reduced from 30mph to 20mph?
- Damage to Norcutt Road and road during construction and site deliveries

- Road cleaning
- Has Thames Water agreed construction over the existing sewer? Will there be access?
- Fire safety conditions of the louvred panel screening and any cladding
- Proposal is an improvement on student housing
- Can site be turned into a green area/recreational ground for kids to play
- Design not in keeping with the rest of the road, and why is the building 4 storeys high? Can the design be amended?
- Construction Management Plan concerns

Consultees

Consultee	Comment
LBRUT Transport	No in principle objections, however concerns regarding parking. Comments summarised within the officer report below.
LBRUT Urban Design	Recommend Approval, comments summarised within the report below, recommend conditions re materials, fenestration and landscaping
LBRUT Trees	No objections, subject to tree protection conditions, comments summarised within report below
LBRUT Ecology	No objections, subject to ecological enhancement conditions, comments summarised within report below
Environmental Health	No objections, subject to conditions, comments summarised within the report below
Network Rail	No comments received
Thames Water	No comments received
Environment Agency	No comments received

8. EXPLANATION OF OFFICER RECOMMENDATION

- 8.1 As set out in the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. This position is repeated in the NPPF. The development plan is defined in Section 28(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area” – See Planning Policy section above).
- 8.2 The report addresses the principal, important and controversial issues which are in this case:
- Principle of development and Affordable Housing
 - Impact upon the character of the area
 - Residential standards
 - Residential Amenity
 - Access and Transport
 - Sustainability
 - Ecology and Biodiversity
 - Flooding and Drainage
 - Contamination
 - Other Matters

Issue i- Principle of Development

- 8.3 Policy LP40 states 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.

Policy LP42 states there is a presumption against loss of industrial land in all parts of the borough. Loss of industrial space will only be permitted where:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that 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
2. A sequential approach to redevelopment or change of use is applied as follows:
 - a. Redevelopment for office or alternative employment uses.
 - b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.

B. The Council has identified locally important industrial land and business parks. In these areas:

- a. loss of industrial floorspace will be resisted unless appropriate replacement floorspace is provided;
- b. development of new industrial floorspace and improvement and expansion of existing premises is encouraged; and
- c. 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).

At para.10.3.1 the policy 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 uses which fall within B1c, B2 or B8 Use Classes or are considered to be Sui Generis.

The site is also located within a Key Office Area where there is a presumption that the quantum of existing office floorspace which need be retained or enhanced. Only if it has been clearly demonstrated that other industrial type uses (as existing use is industrial) were not feasible will the LPA consider redevelopment for offices.

The site is currently occupied by a building that was formerly in light industrial use. The existing building is currently vacant and the submitted planning statement outlines, has not been used for employment for approximately a year. The application is accompanied by a marketing report which considers the demand position for employment uses including office use. It states the site was offered to the market in 2018 when the applicants purchased the site, there were no interest through any enquires in taking the site for continued employment purposes. It has continued to remain on the market and been offered for alternative employment generating uses through redevelopment. The marketing report concludes that there is no demand as the character of the area has changed.

As stated above, the site has a varied planning history. The previous application for student flats (17/01033/FUL, allowed on appeal reference APP/L5810/W/17/3187677). The appeal inspector considered the *“loss of employment land in the absence of a legal agreement linking the proposed student accommodation to a particular local education institution with a demonstrated existing or/and future need as a key issue within her decision”*. The Inspector then went on to discuss this issue and at paragraph 14 they state: *“Whilst the loss of this existing employment site would conflict with Policies DM EM 2 and LP 40 the proposed student accommodation would meet an identified housing need which Policies DM HO 5 and LP37 support. On the evidence before me, including what I heard at the hearing, I consider the need for the development outweighs that of retaining the employment use of the site. The UU would secure the development for student accommodation”*. The appeal decision went onto state *“I have found that the loss of employment land would be acceptable as the UU would secure the development for student accommodation linked with local education institutions within the Borough or within five miles of its boundary and within Greater London”*.

By the time of the appeal hearing on 24th April 2018, Main Modifications had been published to the draft plan (December 2017). The Local Plan Inspector reported on 26th April 2018, so before the appeal decision on 23rd May 2018. The appeal inspector was aware of the Main Modifications had been published to the draft plan (December 2017) and would have been aware of the site's inclusion in a proposed Locally Important Industrial Land and Business Park. They refer to Policy LP40 that is the overarching policy on employment land and states: *"With regard to emerging London Borough of Richmond upon Thames Local Plan (the LP) Policies LP 37 and LP 40, the Council is awaiting the Inspector's report following the plan's Examination in Public and main modifications. There are no proposed changes to the wording of Policy LP37 but there are changes in respect of criterion 4 of Policy LP 40. It is clear to me that the LP is at an advanced stage and the policies it contains can be given significant weight"*.

The Inspector gave the emerging policy significant weight but considered that notwithstanding the conflict with policy, the need for the development outweighs that of retaining the employment use of the site. The above appeal decision, notwithstanding it was issued before the actual adoption of the local plan, is still a material consideration of some weight. It forms a 'backstop' permission that the applicant can rely upon and is capable of implementation. Therefore, the position reached on that application in terms of meeting a local need remain relevant for the current application.

As discussed within the submitted appeal statement, the Council must consider whether there is a fall-back use of the historic permissions outlined within the relevant planning history section coming forward. The student flat permission (application ref 17/1033/FUL) is still extant. Within the High Court case, *Samuel Smith Old Brewery v Secretary of State [2009] EWHC Civ 333, 1326*, it discusses a development with a real prospect of coming forward. This does not necessarily mean it is likely, just possible to come forward rather not possible. This was confirmed in the *Mansell v Tonbridge and Malling BC (2017) EWCA Civ 1314* with regards to permitted development rights. The judgments effectively consider that should the current application be refused, it is entirely reasonable that the applicant would implement a previous permission such as the student flats (ref 17/1033/FUL) which is a real prospect because it is possible in the absence of the proposed development for an extent permission to come forward without an alternative employment use.

A comparison should be made between the current development and the historic fall back positions. Compared to all the fall back positions, the proposed development is not likely to have impacts that a worse than the student flat permission in terms of other material planning considerations, (this is discussed further below). The proposed development and other fall-back positions would result in a similar loss of employment land. As well as this, given the identified need for affordable housing within the London Brough of Richmond upon Thames, the current proposal would provide more affordable housing than previous permissions, has greater benefits to the Council and is perceived as less harm to surrounding neighbours as observed in the content and number of representations submitted as part of this application. Whilst the proposed development would meet a different housing need to that of the student flats, Policy LP37 of the Local Plan states that planning permission will be granted for new accommodation where housing is providing for an identified need. The need for affordable housing can outweigh the conflict with employment policies when combined with the fall-back position.

Therefore, significant weight can be given to the fall back positions and it possible for such a consideration to outweigh any conflict with policies resisting loss of employment within the Development Plan. The existence of the fallback position on this site is unique and this also does not set a precedent for other sites within the Borough that did not have such a fallback position. The 'Affordable Housing' within this application will be discussed below, however given the previous inspector's conclusions and the absence of interest for employment use here, that the proposal is considered to be acceptable in principle.

Issue ii - Affordable Housing

Policy LP36 expects at least 50% on-site affordable housing provision on all former employment sites. Any residential use replacing employment floorspace/land should be in the form of affordable housing and comply with the tenure split (of 40% of the affordable housing for rent and 10% of the affordable intermediate housing) required by Policy LP36 and relevant housing strategies. The provision of affordable housing should normally be discussed with the Council's Housing Development Manager and Registered Providers who are interested in exploring opportunities and maximising funding opportunities.

The Council seeks evidence of discussions and that comments raised by a Registered Provider (RP) have been addressed including an opportunity to influence the proposed tenure and design to address local priorities. The applicant has agreed to develop the site in conjunction with PA Housing a local registered provider.

The proposal is for a wholly affordable housing scheme for 100% shared ownership. The scheme provides 6 x 1 bed 2 person, 7 x 2 bed 3 person, 2 x 3 bed 4 person and 1 x 3 bed 5 person flats. The Planning Statement states the applicant has agreed to develop the site in conjunction with PA Housing a local registered provider. It states PA housing are satisfied with the application scheme, in terms of dwelling and tenure mix.

The Council's Planning Policy officers have commented on the proposal. A Financial Viability Assessment by Knight Frank originally accompanied the application, which concluded that the affordable housing proposal offered by the Applicant is over and above the maximum that the scheme can economically support. The viability modelling includes appraisals of the affordable housing provided, which has been carried out on Pamwin Plus appraisal software, the industry standard appraisal Software. There is a reference that grant funding for the Shared Ownership units, at the Mayor approved rate of £28,000 per unit, would increase the GDV but still render the scheme unviable as this remains below the BLV of £1,350,000. As part of sensitivity testing, an indicative scheme policy compliant scheme is also modelled (4:1 ratio Social Rented to Intermediate), but it states in practice service charge and management issues would make this scheme undesirable to a Registered Provider due to the mixed tenures in a single core.

The Council's Housing officer also commented on the proposal. It is recognised that the scheme is designed as single core, and there is little opportunity for a mix of affordable tenures. Although the 1 bed and 2 bed 3 person units are not the Council's priority for rented units, rented units are the Council's identified local priority needs. It is important therefore, that to justify the different tenure split to that required by policy, a view is taken on whether the scheme is maximising the provision of affordable housing. With any scheme involving affordable housing the expectation is that availability of grant will have been investigated in order to confirm affordable housing unit numbers and tenure. In line with Policy LP36 and paragraph 9.3.4 the Council requires evidence of discussions with Registered Providers, optimising their use of all resources including borrowing and grant. The Council will also consider whether use of the Housing Capital Programme would also be justified.

Housing officers have provided further comments following receipt of further confidential information from PA Housing regarding the basis of their offer to assess the viability. As a result of this, housing officers have confirmed that the availability of grant has been investigated and conclude additional funding from the Council's Housing Capital Programme would not represent value for money for Affordable Rent and support the delivery of the scheme as 100% shared ownership. The application is therefore considered the maximum reasonable amount of affordable housing and in accordance with Policy LP36.

A Section 106 Agreement will be necessary to secure the shared ownership units including compliance with the Council's adopted Intermediate Housing Policy Statement in particular with regard to affordability and priority eligibility criteria.

Issue iii- Design Considerations

- 8.5 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. There is a statutory presumption against granting planning permission for any development which would fail to preserve the setting or character and appearance of a conservation area.

Policy LP3 (Heritage Assets) state that any development which could potentially affect these heritage assets by being of proximity to them would need to be sensitive to their setting, character and appearance.

The NPPF stresses the importance of achieving high quality design in all developments. This is repeated at a local level as summarised within Policy LP1 of the Local Plan which states new development must be of a high architectural quality based on sustainable design principles. Development must respect local character and contribute positively to its surrounding based on a thorough understanding of the site and its context.

Policy LP13 states that views and vistas from and towards Metropolitan Open Land (MOL) are important to the open character of land designated as such.

Policy LP39 states that all infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours.

Guidelines from the 'Small and Medium Housing Sites' SPD state that new residential development must have regards to potential impacts on local character, plot layout and grouping, amenity and parking amongst others. Re-development of previously developed sites should only take place where the proposal does not have an adverse impact on the local character.

Norcutt Road is a street of small Victorian terrace development, with a comparatively recent 2 storey terrace and 3 storey block towards the northern end. The current proposal is for a development of flats as an alternative to the approved student accommodation following application ref 17/1033/FUL and appeal reference APP/L5810/W/17/3187677. Within the appeal decision, the Inspector stated although the development would have 5 storeys, the fifth storey would have a setback when fronting onto Norcutt Road. Given the stepped height of the existing development along the street it was considered the height of the building would not appear out of keeping in the context of the existing developments.

The current proposal was subject to pre application advice where officers agreed with the Inspector's conclusion that the proposed architectural style is innocuous, and the proposed building would not cause harm to the character of the area. In the pre application it was identified the footprint is similar to the approved appeal scheme. However, whilst the proposed fourth floor is more extensive than that proposed in the approved student flat scheme, it is slightly lower in terms of ridge height. The overall design of the block was considered acceptable. The proposal is for a development of 15 dwellings and that on a site area of 0.072ha equates to 208dph. It is considered that this density is appropriate for this location.

Although the proposal is of a modern design compared to the more traditional development along Norcutt Road, the NPPF states that decisions should not attempt to impose architectural styles or particular tastes. The current scheme is mainly unchanged from the submitted pre application. It is clear from the previous student flat application (reference 17/1033/FUL) and subsequent appeal that the student housing building in terms of massing and scale was considered acceptable and appropriate in its context. Therefore, this sets a precedent for an alternative building of a similar scale that sits comfortably on the application site. Changes to the current proposal include minor fenestration changes, with improved and more considered glazing bar arrangements, and a less solid base to the proposed building, which beneficially lightens the overall appearance. There appears to have been a slight heightening of the top parapet of the building- to screen any roof plant, such as PV panels. It is considered

reasonable and necessary to request further details of the brown roof and solar panels by condition.

The Council's Urban Design officer considers that whilst the top floor of the current proposal is not recessed any further, the visual impact of the proposed building is now lightened with ground level views through to Metropolitan Open Land (MOL) beyond. Given the proposal is not considered to adversely impact upon the character of the area, it would preserve the setting of the adjacent conservation area and the openness of the nearby MOL.

With regards to landscaping, limited information has been submitted at this stage, particularly with boundary treatments with the adjacent flats to the South of the site. However, in terms of the relationship to river: there are now proposals for the landscape along the riverside on the Gregg's Bakery site. There are no objections with the indication of proposed materials. It would be preferable to keep the top floor reasonably light in finish, to reduce visual impact in views, both from the surrounding townscape and Crane Valley. However further details with regards to materials, fenestration, levels and landscaping including boundary treatments can be secured by condition.

Therefore, subject to conditional information, the proposed works would not adversely impact on the setting of the adjacent conservation area, nearby MOL, character of the area and would be in accordance with Policies LP1, LP3, LP13 and LP39 of the Local Plan.

8.7 Issue iv Residential Development Standards

Policy LP35 discusses housing mix and standards and states development should generally provide family sized accommodation, except within the five main centres and areas of mixed use, where a higher proportion of small units would be appropriate. The housing mix should be appropriate to the site-specifics of the location. The policy goes on to state all new housing development, including conversions, are required to comply with the Nationally Described Space Standard.

Policy LP35 and the Residential Development Standards SPD set the requirement for internal living standards, however, in addition to the requirements of this policy and guidance, since 1 October 2015 the Council has been applying nationally described space standards which are to be applied alongside relevant Council policy. The minimum standards are outlined below:

- *A single bedroom should be at least 7.5sqm and 2.15m wide*
- *A double should be 11.5sqm and 2.75m wide*
- *Head height should be at least 2.3m for a minimum of 75% of the gross internal floor area*
- *Suitable storage space to be incorporated into units*
- *Communal gardens to be sheltered from roads and not overlooked from habitable rooms.*

Policy LP35(D) states that external amenity space for all new dwellings, including conversions, should be:

- a. private, usable, functional and safe;*
- b. easily accessible from living areas;*
- c. orientated to take account of need for sunlight and shading;*
- d. of a sufficient size to meet the needs of the likely number of occupiers; and*
- e. accommodation likely to be occupied by families with young children should have direct and easy access to adequate private amenity space.*

The nationally described space standards also require the minimum GIA as set out below (as relevant to the scheme):

Table 3.3 Minimum space standards for new dwellings¹⁷

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0

Furthermore, the Council's Residential Development Standards SPD requires the following minimum floorspace for kitchen / dining / living areas:

- 1 bed dwelling – 22sqm
- 2 bed dwelling – 24sqm
- 3 bed dwelling – 27sqm
- 4 bed dwelling - 30sqm

8.8 The Council seeks the provision of external amenity space in accordance with policy LP35 and, the Residential Development Standards SPD. The policy (in line with the London Plan) states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. This is the minimum standard; however outside space should be maximised where possible.

As discussed, the proposal is for 15 flats – consisting of a mix of 6 x 1 bed, 7 x 2 bed, and 2 x 3 bed. The Council's Planning Policy officers do not object to the proposed mix given there is a mixture of smaller units as well as units which could accommodate small families which is in accordance with Policy LP35(A). The proposed units are all considered to meet the nationally described space standard to accord with Policy LP35(B). Each flat has a terrace/balcony, there is also a communal garden/community space to the rear and therefore it is considered in accordance with Policy LP35(C and D).

Since 1 October 2015, 90% of new housing would be expected to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% would be expected to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'; this is set out in Policy LP35 (E). Both M4 (2) and M4 (3) require step free access.

To accord with Policy LP35(E) if the application were to be approved, this would need to be secured by condition - Flat 1 is identified as M4(3), the remaining flats identified as M4 (2), which would be secured by condition. Subject to this, the proposal is therefore considered to be in accordance with Policy LP35 of the Local Plan 2018.

Issue v- Impact on Neighbouring Amenity

Policy LP8 of the Local Plan states in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.

The 'Residential Development Standards' SPD states that alterations to residential buildings can make more effective use of urban land for modern living needs and well-considered alterations to dwellings which complement the appearance of a property can often increase

their value. However, changes can harm the amenity of neighbouring occupiers through increased noise, disturbance and activity due to an intensification of use. The 'Small and Medium Housing Sites' SPD mentions that in defining a layout, it is important that new developments do not infringe on the privacy, daylight and sunlight of adjacent properties nor that of the intended occupiers. Privacy, daylight and sunlight standards should be used as a check to ensure that a layout is acceptable but should not necessarily dictate the layout. To ensure that the privacy of occupiers is respected, the windows of main facing habitable rooms should preferably be no less than 20m apart. Where principal windows face a wall that contains no windows or those that are occluded separation distances can be reduced to 13.5m.

The only immediate nearby residential development is a residential building located to the south, Alcott House. This has some windows on its north elevation facing the application site. The other sides comprise of commercial development. These comprise the former Greggs property to the west, the railway line to the north and an electricity substation to the east. There are proposals for the redevelopment of the former Greggs site (application reference 19/0646/FUL) however given this application is not determined it cannot be given full weight. Notwithstanding this the proposals would not have a significant impact upon those in terms of residential amenity.

With regards to overlooking, windows on the North, East and West elevations of the proposed development would not cause adverse harm to existing residents given these elevations would overlook commercial uses or other land uses. On the South elevation, the proposed windows would face towards the existing residential building, Alcott House but would not achieve a suitable separation distance of 20m as stated above. However, windows on the South Elevation of the proposed development serve non-habitable rooms or are secondary outlooks to rooms with multiple windows and can be conditioned for obscure glazing to prevent overlooking. The scheme also proposes the use of privacy louvres particularly on balconies on the south elevation of the proposed development. Further details are required to ensure the louvres would achieve the desired outcome of restricting views into the residential flats to the South. The details will be conditioned requiring specifications, usability and functions.

Representations have been received citing loss of light from the existing flats. The proposed building is North of Alcott House and is located further away than the building in the extant student permission (17/1033/FUL). In addition, any potential impact on daylight to the existing windows has been considered within the submitted Daylight and Sunlight Assessment that concludes that the proposal will not result in any significant adverse impact due to loss of light to the existing windows in relation to BRE guidelines. With regards to overbearing whilst the development would be visible in the outlook of occupiers, it is not considered it would be harmfully dominant and any impact is not significant enough for a refusal given the proposed development is further away from Alcott House than the previous permission.

The application site is adjacent to a railway line and commercial activity so is accompanied by a Noise Assessment which has been reviewed by Environmental Health officers.

With regard to 'adverse impacts' the NPPF refers to the 'Noise Policy Statement for England' (NPSE), which defines three categories, as follows:

'NOEL - No Observed Effect Level

- This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL - Lowest Observed Adverse Effect Level

- This is the level above which adverse effects on health and quality of life can be detected.

SOAEL - Significant Observed Adverse Effect Level

- This is the level above which significant adverse effects on health and quality of life occur'.

The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided. The second aim refers to the situation where the impact lies somewhere

between LOAEL and SOAEL, and it requires that all reasonable steps are taken to mitigate and minimise the adverse effects of noise. However, the requirement to mitigate and minimise the adverse effects of noise does not mean that such adverse effects cannot occur.

The Planning Practice Guidance provides further detail about how the effect levels can be recognised. It is identified that above the NOEL, noise becomes noticeable, however it has no adverse effect as it does not cause any change in behaviour or attitude. Once noise crosses the LOAEL threshold it begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. Increasing noise exposure further might cause the SOAEL threshold to be crossed. If the exposure is above this level the planning process should be used to avoid the effect occurring by use of appropriate mitigation such as by altering the design and layout.

The Noise Policy Statement for England refers to the World Health Organisation (WHO) when discussing noise impacts. The WHO Guidelines for Community Noise 1999 suggest guideline values for internal noise exposure which take into consideration the identified health effects and are set, based on the lowest effect levels for general populations. Guideline values for annoyance which relate to external noise exposure are set at 50 or 55 dB(A), representing day time levels below which a majority of the adult population will be protected from becoming moderately or seriously annoyed respectively. The following guideline values are suggested by WHO:

- 35 dB LAeq (16 hour) during the day time in noise sensitive rooms
- 30 dB LAeq (8 hour) during the night time in bedrooms
- 45 dB LMax (fast) during the night time in bedrooms
- 50 dB LAeq (16 hour) to protect majority of population from becoming moderately annoyed
- 55 dB LAeq (16 hour) to protect majority of population from becoming seriously annoyed

The British Standard 8233 "Guidance on sound insulation and noise reduction for buildings" 2014 bases its advice on the WHO Guidelines and draws further upon the guideline values with regards to internal and external noise levels. For internal noise, the British Standard 8233 sets out: "Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved".

With regards to external noise, the BS8233, 2014 sets out: "For traditional external areas that are used for amenity space such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq, with an upper guidance value of 55 dB LAeq, which would be acceptable in noisier environments such as inner cities. However, considering the site is next to a major transport route and within an urban area, it could be considered a noisier environment. It is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited".

Environmental Health officers have reviewed the submitted Noise Risk Assessment and Acoustic Design Statement. The main sources of sound included nearby roads on the public highway, air traffic noise and railway noise from passing commuting trains on the adjacent railway. The submitted noise assessment finds that the site is subject to noise levels of a medium risk. The report outlines through appropriate design, the proposed development would be subject to satisfactory internal and external environments with respect to the above guidance.

The noise assessment finds although alternative ventilation is suggested, future residents would need to keep their windows closed to ensure guidelines noise limits are met other than

for purge ventilation except for the southern facade. Similarly, the noise assessment finds that for external areas acoustic design and possibly mitigation will be needed to try and achieve levels below 55dB which the upper limit is suggested by British Standard 8233:2014.

The Environmental Health officer has not objected to the proposal but has recommended several conditions to protect the amenity of future occupants from the surrounding noise sources. These are considered reasonable and necessary to protect the amenity of future occupants. A condition for a construction method statement was also recommended with regards to impacts on adjoining the construction phase. With regards to air quality, the Environmental health officer has also recommended a dust management plan to be secured by condition. Details regarding the acoustic fencing with the adjoining railway land would also be required. Subject to this the proposal is not considered to adversely impact residential amenity and would be in accordance with Policies LP8 and LP10 of the Local Plan.

Issue vi - Trees and Ecology

Policy LP15 seeks to protect and enhance the borough's biodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats.

Policy LP 16 states the following:

- A. The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.*
- B. To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will:*

The application has been reviewed by the Council's Tree and Ecology officers and they have no objection to the scheme. Trees on this site are not protected by TPO nor conservation area. There are trees bordering the railway line which are important to retain as a noise and green screen. These trees provide screening between this development and MOL land to the North.

A BS5837:2012 tree survey and implications assessment has not been provided as part of this application. Although the proposal would not have a significant adverse impact on trees directly, it is considered reasonable and necessary to add a condition to ensure those trees are protected. Other conditions requested include hard and soft landscaping as discussed above, as well as conditions regarding biodiversity net gain and external lighting. Subject to this, the proposal is considered to be in accordance with Policies LP15 and LP16 of the Local Plan.

Issue vii- Highway consideration and parking provision.

Paragraph 109 of the NPPF states 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. *Policy LP45 states that the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car-based travel including on the operation of the road network and local environment and ensuring making the best use of land.*

The existing vehicular and pedestrian access on Norcutt Road would be retained for the proposed development to provide access to the car parking spaces. It is proposed that 12 car parking spaces will be provided with the provision one Blue Badge space on-site for the development and this will be closest to the main entrance. In line with the parking standards set out in the London Plan 2016, 20% of all spaces should be provided for electric vehicles with an additional 20% passive provision for electric vehicles in the future. It is therefore proposed 2 of the 12 proposed parking spaces will have electric charging points provided and a further 2 space will have a passive provision. 28 cycle spaces will be provided in the building

on the ground floor level and two visitor spaces will also be provided. The proposed cycle parking provisions are in accordance with the new draft London Plan (2018) cycle parking standards in order to encourage sustainable modes of travel, making use of the many local cycle paths. Further details of cycle parking can be secured by condition. It is proposed that all deliveries and refuse collection for the residential development can take place from the Norcott Road carriageway within the existing turning head provided adjacent to the site access. The applicant has full and unrestricted rights of access over this adjoining land.

A trip generation assessment has been undertaken to estimate the potential impact of the proposed development. The net trip generation assessment indicates that as a result of the proposed development an increase of just 1 car movement in the morning peak hour and an extra 1 car movement in the evening peak hour. There is anticipated to be a reduction of goods vehicle trip, which will be of benefit. It is considered that the increase in traffic flow is limited that and could be accommodated on the local road network.

The Institute of Highways and Transportation (IHT) provide guidance on desirable walk distances in their publication 'Providing for Journeys on Foot' which recommends suggested acceptable walking distances of between 500m (6 minutes, "Desirable") and 2km (25 minutes, "Preferred Maximum") for commuting and journeys to school. For non-commuter journeys the guidance suggests that a walk distance of up to 1,200 metres can be 'considered', with the 'acceptable' and 'desirable' distances being 800 and 400 metres respectively. Similarly, acceptable cycling distances vary between individuals and circumstances but trips up to 5km (3.1 miles) are accepted as having the potential to substitute car trips. However, these are not framed as absolute requirements: the SPD states that 'ideally' new homes will be built to be within those distances and the IFT guidance acknowledges that acceptable walking and cycling distances will vary between individuals.

The application site is accessible (PTAL 2) by modes of transport other than the private car. There are seven bus services, the nearest bus stops are situated on The Twickenham Green approximately 400m away and further bus stops on Heath Road to the South East of the site serving 110, 267, 281, 290, 490, H22 and R70. Twickenham railway station and Strawberry Hill railway stations are within walking distance of the site the former 1.3km providing services into central London and other centres such as Kingston and Richmond, as well as other national rail services. The public transport provision, along with the secure and covered cycle parking within the site will encourage residents to use an alternative mode to the private car.

The Site has a number of schools approximately 1.3km (a 9-minute cycle) south of the Site on Waldegrave Road, shops including a Tesco Express supermarket approximately 350m (a 5-minute walk) south east of the Site on Heath Road and a Sainsburys Local approximately 500m (a 7-minute walk) south of the Site on Twickenham Green, GP services and restaurants within walking and cycling distance of the Site. The area is subjected to a 30mph speed limit and is lit accordingly. The Site is located 800m (a 10-minute walk) from Twickenham Town Centre located east of the Site on Heath Road. Twickenham Town Centre provides access to a wide range of shops including banks, restaurants, takeaways and other facilities. The above therefore demonstrates that the site is not reliant on private car use and there are alternative sustainable transport options available.

The Council's Transport officer has commented on the proposal. Whilst the proposal incorporating cycle parking in excess of the London Plan requirements is welcomed, the PTAL score of the site at just 2 is considered low. In addition, the parking stress survey results demonstrate a stress in excess of 100% on Norcott Road. Therefore, the Council's transport officer has advised parking should be provided on at least a 1 for 1 basis in accordance.

However, the 'Intent to Publish' version of the London Plan states as the most up to date policy document on car parking can be given significant weight. Table 10.3 sets out maximum residential parking provision and for a development with an Outer London PTAL 2 of up to 1space/dwelling. Given this is a maximum standard, it is considered that the level of parking provided within the scheme is acceptable and appropriate for the location, given its location on

the edge of the twin centre. The Registered Provider will have the ability to select occupiers with nil or limited car parking requirements in the knowledge of the existing controlled parking zone in the existing streets.

The applicant has confirmed their acceptance that parking permits be restricted by an appropriate S106 agreement for residents. The car club proposals (each unit to enjoy free membership for a minimum of a five year period) are also considered acceptable subject to inclusion with the S106. Given the immediate parking stress in the area and acknowledging the commitments of the development plan and NPPF to sustainable development, it is important that the scheme minimises inconvenience and dangers arising from possible additional vehicle generation. This approach was taken by the Inspector on the previous student flats application.

A Construction Logistics Plan has also been submitted to accompany the application. Although the Council's transport officer requested further detail on issues within this document, it is considered reasonable that details can be finalised once the contractor is appointed and a condition for a construction method statement is hence recommended to be imposed. It would also be considered reasonable and necessary for a condition to restrict construction times to prevent an adverse impact on adjoining residents. Subject to the above, it is considered the application would not have an adverse impact with regards to Highway Safety and the proposal would be in accordance with Policies LP44 and LP45 of the Local Plan.

Issue viii - Sustainability

London Plan Policy 5.2 Minimising Carbon Dioxide Emissions states that proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. The Mayor's Sustainable Design and Construction SPG states that a 35% reduction in carbon dioxide emissions (in relation to Part L Building Regulations 2013) needs to be achieved. Policy 5.2 further states that carbon dioxide reduction targets should be met on-site or where clearly demonstrated this is not possible the shortfall may be provided off-site or through a cash-in-lieu contribution to secure savings elsewhere.

Policy LP 22 requires that developments achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. In relation to this proposal the following policy targets apply:

- 35% reduction in emissions on Part L 2013 for non-residential areas, achieved following the energy and cooling hierarchy.
- 35% onsite reduction in emissions on Part L 2013 residential areas, achieved following the energy and cooling hierarchy.
- Zero carbon homes achieved through carbon off-set payment.
- A 20% reduction in emissions through renewable technologies.

The submitted energy assessment advises that the scheme is capable of achieving a 39.8% reduction in relation to Part L Building Regulations 2013 and in line with policy. **However, at the time of writing the Council has yet to seek confirmation from their independent consultants that the development can meet these targets and achieve zero carbon standards in line with London Plan policy. Therefore, an update will be provided within the late representations to ensure this is the case. The appropriate payment will also be secured through a Section 106 agreement to ensure the targets are met.**

Policy LP 22 of the Local Plan states that new dwelling units will be required to incorporate water conservation measures to achieve a maximum water consumption of 110 litres per person per day. A completed Sustainable Construction Checklist has also been submitted. It is considered that there would be scope for this to be achieved and a compliance condition is recommended to ensure that the scheme meets these policy requirements.

Issue ix - Contaminated Land

The Council's Environmental Health officer commented on the proposal and has recommended that a condition is imposed to secure site investigation for potential contamination and remediation where required. Therefore, any issue of contamination can be dealt with prior to the commencement of development. Subject to the imposition of this condition, the proposed development is acceptable and complies with the NPPF in this regard, and Policy LP10 of the Local Plan.

Issue x- Drainage

The site is located within Flood Zone 1, classified as being at low risk and defined as having a less than 1 in 1,000 annual probability of fluvial and tidal flooding. The site has been identified to be in an area of 'very low' surface water flood risk. The application is accompanied by a detailed Flood Risk Assessment outlining the risks to the site and surface water drainage strategies. There is no objection from Thames Water or any other statutory consultee with regards to Flood Risk or surface water drainage. Subject to a condition with regards to surface water run offs the proposal is in accordance with LP21 of the Local Plan.

9. Other Material Considerations

Housing Land Supply

- 9.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

- 9.3 At the time of writing, the Council is able to demonstrate more than 5 years of housing land supply including buffer and has a Local Plan which has been adopted within the last five years. Therefore, for the purpose of determining this planning application, the LPA is able to demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). The ordinary planning balance having regard to the statutory test in section 38(6) of the 2004 Act is therefore engaged.

Local Finance Considerations

10. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.
- 10.1 The development is liable for Mayoral CIL and Borough CIL in accordance with the relevant charging schedules.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The NPPF has at its heart the presumption in favour of sustainable development (para 11) and requires the approval of development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. When considered in the round, the proposal would contribute to the economic, environmental and social dimensions of sustainability for the following reasons:

In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, including job creation - during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. There will also be Council Tax receipts arising from the development. The loss of an employment site is regrettable, however given the site is currently vacant, the loss of the site is outweighed by the positive economic benefits of this development specifically affordable housing, in this location.

Regarding the social dimension, in terms of physical constraints, with the exception of noise, which has already been discussed at length in previous sections of the report, the site appears to have no other physical constraints and is deliverable. There is a local and borough wide identified need for affordable housing, this carries significant weight and there would nevertheless be a net benefit in social terms. Whilst the Council can demonstrate a 5 year supply of deliverable housing land, the provision of additional affordable housing on the application site would amount to a moderate benefit in terms of providing a greater flexibility to the supply of housing.

In terms of the environmental dimension of sustainable development, the proposal offers potential for the incorporation of energy efficiency measures as well as additional planting and habitat enhancement.

Having fully assessed all three dimensions of sustainable development; economic, social and environmental within this report it is concluded that, on the whole the development of this site will:

- provide a supply of affordable housing to meet current and future generations;
- have an acceptable design and impact on the character of the area
- have an acceptable impact on residential amenity
- have an acceptable impact upon highway safety
- maximise the available opportunities for use of public transport, walking and cycling;
- maximise sustainability measures;
- manage flood risk and drainage effectively;
- have no significant adverse impacts on features of landscape or ecological value;
- provide infrastructure to meet the needs generated by the development.

When considered in the round, the proposal would contribute to the economic, social and environmental dimensions of sustainability. There are factors as outlined above that weighs against the proposal, however these are not considered sufficient to swing the planning balance and would be difficult to sustain such reasons for refusal at appeal (especially when considered in the round and in light of the benefits that will be forthcoming as a result of the proposed development). For the reasons set out above, there are no material considerations of sufficient weight to justify refusal.

RECOMMENDATION: The application is therefore recommended

1. for **PERMISSION subject to conditions and the completion of a section 106 agreement** securing the provision of the affordable housing units and the occupancy eligibility criteria, car club membership for a 5 year period, parking permit eligibility restrictions and a zero carbon payment.

2. for **REFUSAL** in the event that an undertaking to secure the infrastructure in Section 11 of this report has not been satisfactorily completed within 6 months of the date of determination for the reason that the proposed development would not be accompanied by affordable housing, zero carbon payments and transport mitigation measures .

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

AT01 – Development begun within 3 years

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

DV48 - Approved Documents and Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable.

5076_3_04_A, 5076_3_02_A, 5076_3_100_B, 5076_3_01_A all received 11th September 2019.

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

DV49 – Construction Method statement

No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:

1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
3. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
4. Details and location where plant and materials will be loaded and unloaded;
5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
6. Details of any necessary suspension of pavement, road space, bus stops and/or parking bays;
7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
8. Details of any wheel washing facilities;
9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
10. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
12. Details of the phasing programming and timing of works;
13. A construction programme including a 24 hour emergency contact number;
14. See also TfL guidance on Construction Logistics Plans.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area.

LT09A – Hard and Soft Landscaping Required

(A) No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed

and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works.

(B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc., together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

(C) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.

PK06A – Cycle Parking

No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.

REASON: To accord with this Council's policy to discourage the use of the car wherever possible.

DV50A – Energy Reduction

The dwelling(s) hereby approved shall achieve at least a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).

REASON: In the interests of energy conservation in accordance with the Council's sustainability policies.

DV51A – Water Consumption

The dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

REASON: In the interests of water efficiency in accordance with the Council's sustainability policies.

DV52A – Building regulations M4(2)

The development hereby approved shall not be constructed other than in accordance with Building Regulation M4(2) except for Flat 1 which shall be constructed in accordance with Building Regulation M4(3).

Reason: In the interest of inclusive access in accordance with Council's policy to ensure homes meet diverse and changing needs.

NS09 - Level Threshold

The proposed finished floor levels of the building, the finished ground levels of the site, including the internal footpaths, parking spaces and roads, and in relation to existing site levels of surrounding land shall not be constructed other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and future highway improvement, amenities of adjoining properties, and appearance of the development.

NS02 – Materials To Be Approved

No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the residential development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality

NS03 - Fenestration

Prior to installation on site details of the external surfaces of the building, including fenestration and soffits, and, where applicable, all areas of permeable hard surfacing of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality

NS04 - Boundary Treatments

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be put in place prior to any occupation of the development hereby permitted. The development shall be carried out in accordance with the approved boundary treatment and shall be retained as such for the lifetime of the development.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality

NS05 - Refuse

Prior to any occupation of the development hereby permitted details of the storage and disposal of refuse/waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved storage and disposal of refuse/waste details and shall be retained for the lifetime of the development.

REASON: To safeguard the appearance of the property and the amenities of the area.

NS06 - Brown Roof/PV Panels

Prior to any occupation of the development hereby permitted details of the solar panels and details/specification of the brown roof (including the precise extent and the plant species, if applicable, to be used, irrigation method and maintenance plan) shall be submitted to and approved in writing by the local planning authority. The brown roof/solar panels shall be implemented in accordance with the approved details prior to the first occupation of the development. The brown roof/solar panels shall thereafter be retained for the lifetime of the development.

REASON: To preserve the ecological value of the site hereby approved, to promote sustainable development and ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

NS08 - Drainage

The development shall be carried out in accordance with the details set out in the SUDS and Flood Risk Assessment by RPS received by the Local Planning Authority on 11th September 2019 and thereafter shall be retained in accordance with these details for the lifetime of the development.

REASON: Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework

NS09 - Parking

The development hereby permitted shall not be occupied until the car parking spaces shown on Drawing no 5076_3_02_A have been constructed and laid out. The parking spaces shall thereafter be retained for users in connection with the development hereby permitted over the lifetime of the development.

REASON: To ensure a satisfactory car parking provision.

NS10 - Disabled Parking

The development hereby permitted shall not be occupied until details of disabled parking spaces for people have been submitted to and approved in writing by the Local Planning Authority, such drawings to show surface treatment and method of delineation and signing of such spaces, which shall be retained as such thereafter. These spaces shall at no time be used for any other purpose.

REASON: To ensure the provision of as satisfactory and convenient form of development for

people with disabilities.

NS11 - Electric vehicle charging points

No development above slab level shall take place until details of Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. Such details to include siting, external finishes and maintenance plan. The approved details shall be retained as active EV charging points at all times.

REASON: To ensure a sustainable form of development and to comply with London Plan Policy 6.13.

NS12 - Louvres

No development above slab level shall take place until details of the louvres and obscure glazing to be used on the South elevation of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details must include specifications, usability and functions. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

NS13 - Delivery and servicing management plan

Prior to any occupation of the development hereby permitted a delivery and servicing management plan, including vehicle tracking diagrams shall be submitted to and approved in writing by the local planning authority. Delivery and servicing shall be carried out in accordance with the approved management plan over the lifetime of the development.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area.

NS14 - Railway

Prior to the commencement of the development hereby permitted, details confirming the integrity of the existing railway formation and structures in relation to any proposed excavation, piling and other construction methods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the assets of Network Rail

NS15 - Network Rail

The development hereby permitted shall not include areas of reflective cladding or glazing on elevations which face onto the railway line. All structures shall be situated at a minimum distance of two metres from Network Rail's boundary fence and allow room for maintenance of both.

REASON: To protect the assets of Network Rail

NS16 - Contamination

1. No development shall take place until:

- a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the local planning authority
- b) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.
- c) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the local planning authority

Note: some demolition work, if required, could be allowed beforehand for enabling the above requirement (1b), subject to the agreement of the Local Planning Authority.

2. None of the dwellings/buildings hereby approved shall be occupied until:

- a) the remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition [1(b, c)] above and an

adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

REASON: To protect future users of the site and the environment.

NS17 - External lighting

Within 6 months of the commencement of development hereby permitted, details setting out the external lighting for the site including locations, specifications, baffles, mounting heights, columns and types of lights and associated lux contour spread sheets, shall be submitted to and be approved in writing by the local planning authority. The approved external lighting shall be implemented in full and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the ecology of the site and neighbour amenity.

NS18 - Ecological Enhancement Plan

Prior to the commencement of the construction works, an Ecological Enhancement Plan shall be submitted to and approved in writing by the local planning authority. Details of swift bricks attached to the development, bat bricks built into the development and invertebrate habitats to supplement the wildlife friendly planting scheme shall be provided, and shall include specifications, locations, positions and aspects. The details shall also include details of roof nesting bird habitat such as gravel and kestrel boxes. The development shall be carried out in accordance with the Ecological Enhancement Plan and the ecological enhancement measures shall thereafter be retained for the lifetime of the development.

Reason: To ensure the proposal would achieve a net gain in biodiversity and would be in accordance with Paragraph 170 of the NPPF

NS19 - Tree Planting

1. Prior to the occupation of the development hereby approved, a tree planting scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall be written in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape. Recommendations, and include:

- A) Details of the quantity, size, species, and position,
- B) Planting methodology
- C) Proposed time of planting (season)
- D) 5 year maintenance and management programme.

2. If within a period of 5 years from the date of planting that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the local planning authority seriously damaged) then the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the local planning authority.

REASON: To safeguard the appearance of the locality.

NS20 - Tree Protection

No building operations, site preparation or the delivery of materials to the site shall commence until a tree protection strategy, including a tree protection plan and arboricultural method statement (in accordance with the BS 5837:2012 standard), have been submitted to and approved in writing by the Local Planning Authority. The protection measures recommended in the approved tree protection strategy shall be implemented prior to the commencement of building operations, site preparation or delivery materials and remain in position until the practical completion of the development.

REASON: To ensure that the tree (s) are not damaged or otherwise adversely affected by building operations and soil compaction

NS21 - Construction Hours

During the period of construction, no power operated machinery shall be operated on the site, and there shall be no construction activity on site, or construction related deliveries taken at or dispatched from the site, before 0700 hours and after 1900 hours on weekdays and before 0700 hours and after 1330 hours on Saturdays, nor at any time on Sundays and Bank Holidays.

Reason: To minimise noise disturbance for adjoining residents

NS22 - Noise

The building hereby permitted shall be constructed to provide sound attenuation against externally generated (transportation) noise sources including road, rail and aircraft so as to achieve the internal ambient noise levels detailed in Table 2.2 ProPG Internal Noise Level Guild lines of the Noise Risk Assessment and Acoustic Design Statement by RPS received by the Local Planning Authority 11th September 2019. The measured or calculated noise levels shall be determined in accordance to the latest British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings.

Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied and shall thereafter be retained as approved.

Internal noise levels should be achieved with windows open for rapid ventilation purposes. Where this cannot be achieved alternative means of ventilation and cooling will be required. Where whole house ventilation is provided then acoustically treated inlets and outlets should be located away from the façade(s) most exposed to noise (and any local sources of air pollution). The measured or calculated noise levels Activity shall be determined in accordance to the latest British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings.

REASON: To ensure that the amenity of the occupiers of the proposed development are not adversely affected by road traffic, rail traffic and air traffic noise.

NS23 - External Noise

The design and layout of the development shall be constructed to protect amenity spaces (including gardens, balconies and terraces) against externally generated transportation noise sources including road, rail and aircraft to achieve 50dB(A) LAeq,16 hours with a maximum limit of 55dB(A) LAeq,16hour. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied and shall thereafter be retained as approved.

REASON: To ensure that the amenity of the occupiers of the proposed development are not adversely affected by road traffic, rail traffic and air traffic noise.

NS24 - Dust Management Plan

No development shall be commenced until a dust management plan has been submitted to and approved by the Local Planning Authority and carried out in accordance with the approved details. The dust management plan shall include the following details:

- (a) Demonstrates compliance with the guidance found in the control of dust and emissions from construction and demolition Best Practice produced by the Greater London Authority (GLA)
- (b) The dust management strategy must include a risk assessment of dust generation for each phase of the demolition and construction. The assessment and identified controls must include the principles of prevention, suppression and containment and follow the format detailed in the guidance above. The outcome of the assessment must be fully implemented for the duration of the construction and demolition phase of the proposed development and include dust monitoring where appropriate.
- (c) where the outcome of the risk assessment indicates that monitoring is necessary, a monitoring protocol including information on monitoring locations, frequency of data collection and how the data will be reported to the Local Planning Authority;
- (d) details of dust generating operations and the subsequent management and mitigation of dust demonstrating full best practicable means compliance and covering construction activities, materials storage, on and off-site haul routes, operational control, demolition, and exhaust emissions; and
- (e) where a breach of the dust trigger level may occur a response procedure should be detailed including measures to prevent repeat incidence

REASON: To ensure that the amenity of the occupiers of the proposed development are not adversely affected

NS25 – Refuse Storage

No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

REASON: To safeguard the appearance of the property and the amenities of the area.

NS26 – Obscure glazed/non-openable windows

The proposed window(s) and doors in the south elevation(s) of the building(s) hereby approved shall at no time be openable(save for the doors) or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.

REASON: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

13. INFORMATIVES RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

IL25D	NPPF APPROVAL - Para. 38-42
COMH08	Composite Informative
IL24	CIL liable
IL29	Construction Method Statement
IL13	Section 106
IM13	Street numbering
IT05	Trees – Size of New Stock
IT06	Nature conservation
IX10A	Network Rail

Application reference: 18/2649/FUL FULWELL, HAMPTON HILL WARD

Date application received	Date made valid	Target report date	8 Week date
06.08.2018	13.09.2018	13.12.2018	13.12.2018

Site:

Land At 1 High Street/Myrtle Road , Hampton Hill, TW12 1NA,

Proposal:

Erection of single storey rear extension, new window on first floor rear elevation and rear dormer roof extension to 1 High Street to facilitate the provision of 3 no. apartments (2 x 1B2P and 1 x 3P6P flats).

Demolition of existing light industrial buildings and erection of 2 new 2.5 storey buildings to provide 16 x 1, 2 and 3 bedroom flats (3 x 1 bed, 12 x 2 bed and 1 x 3 bed) with associated access, amenity space, parking and cycle and refuse provision.

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Beaumont Residential
C/O Agent

AGENT NAME

Mr Philip Allin
2nd Floor, 24 Southwark Bridge
Road
London
SE1 9HF

DC Site Notice: printed on 20.09.2018 and posted on 28.09.2018 and due to expire on 19.10.2018

Consultations:

Internal/External:

Consultee

LBRuT Trees Preservation Officer (North)
LBRuT Ecology
LBRuT Trees Preservation Officer (North)
LBRuT Ecology
14D Urban D
LBRUT Transport
LBRUT Environmental Health Contaminated Land
LBRUT Highways
Environment Agency
The Royal Parks
14D POL

Expiry Date

07.03.2019
07.03.2019
04.10.2018
04.10.2018
04.10.2018
04.10.2018
04.10.2018
04.10.2018
04.10.2018
11.10.2018
11.10.2018
04.10.2018

Neighbours:

19 Warwick Close, Hampton, TW12 2TZ -
9 GLEN HAZEL, WYATTS GREEN, HOOK END, CM15 0PE -
16 High Street, Hampton Hill, TW12 1PD -
3 Park Place, Hampton Hill, TW12 1QA -
61, 61 Myrtle Road, Hampton Hill, TW12 1QB -
7 Morland Close, Hampton, TW12 3YX -
30 Myrtle Road, Hampton Hill, TW12 1QE -
12 Park Place, Hampton Hill, TW12 1QA -
55 Myrtle Road, Hampton Hill, TW12 1QB -
43 Blandford Road, Teddington, TW11 0LG -
6 Park Place, Hampton Hill, TW12 1QA -
4 Park Place, Hampton Hill, TW12 1QA -
2 Uxbridge Road, Hampton, TW12 3AB, - 20.09.2018

84 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 The Studio,49 Myrtle Road,Hampton Hill,Hampton,TW12 1QB, - 20.09.2018
 50 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 82 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 80 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 76 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 72 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 70 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 67 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 65 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 49 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 47 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 45 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 43 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 40 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 38 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 36 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 34 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 32 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 78 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 74 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 71 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 69 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 68 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 66 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 64 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
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 52 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 48 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 46 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 44 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 42 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 41 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 39 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 37 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 35 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 Maude Cottage,33 Myrtle Road,Hampton Hill,TW12 1QB, - 20.09.2018
 Flat 5,19 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 4,19 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 3,19 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 2,19 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 1,19 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 2,17 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 1,17 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 8,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 7,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 6,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 5,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 4,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 3,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 2,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 Flat 1,15 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 13 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 11 High Street,Hampton Hill,Hampton,TW12 1NB, - 20.09.2018
 7 High Street,Hampton Hill,TW12 1NB, - 20.09.2018
 3A High Street,Hampton Hill,TW12 1NB, - 20.09.2018

3 High Street, Hampton Hill, TW12 1NB, - 20.09.2018
 5 High Street, Hampton Hill, TW12 1NB, - 20.09.2018
 34 Seymour Road, Hampton Hill, TW12 1DD -
 80 Oldfield Road, Hampton, TW12 2HR -

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD Application:96/0242/S191
 Date:28/03/1996 Use Of Premises In Connection With The Manufacture And Distribution Of Bird Rings (b1 Use Class)

Development Management

Status: REF Application:81/0699
 Date:14/09/1981 Change of use of premises from residential to office accommodation ancillary to the main light industrial use of the site.

Development Management

Status: GTD Application:83/1274
 Date:09/12/1983 Change of use of public house to restaurant. (Alteration of condition (a) attached to planning approval dated 16th November, 1978).

Development Management

Status: REF Application:84/1164
 Date:28/11/1984 Change of use of building to offices, erection of a single storey rear extension, first and second floor rear extension and infilling of ground floor covered way, all to provide offices. Extension to car parking and formation of vehicular access from Station Road. Erection of external staircase at rear and new means of enclosure on Station Road frontage.

Development Management

Status: REF Application:84/1165
 Date:28/11/1984 Change of use of building to offices, erection of a single storey rear extension, first and second floor rear extension and infilling of ground floor covered way, all to provide offices. Extension to car parking and formation of vehicular access from Station Road. Erection of external staircase at rear and new means of enclosure on Station Road frontage.

Development Management

Status: GTD Application:87/0677
 Date:13/07/1987 Erection of a single storey workshop.

Development Management

Status: REF Application:82/94/4
 Date:11/06/1982 Use of the premises for office/business/staff amenity and residential purposes, all ancillary to the light industrial use of the site.

Development Management

Status: GTD Application:47/1337
 Date:20/01/1950 Extension to existing work room for making identification leg rings for poultry and other birds.

Development Management

Status: GTD Application:47/4120/AMENDED
 Date:23/07/1953 Erection of new workshop.

Development Management

Status: GTD Application:47/4120
 Date:30/06/1953 Extension of workshop.

Development Management

Status: GTD Application:47/4806
 Date:21/04/1954 Removal of existing shed to new position.

Development Management

Status: GTD Application:47/4899
 Date:28/05/1954 Retention of building for storage of celluloid.

Development Management

Status: GTD Application:47/1674
 Date:21/06/1950 The provision of additional W.C. at rear.

Development Management

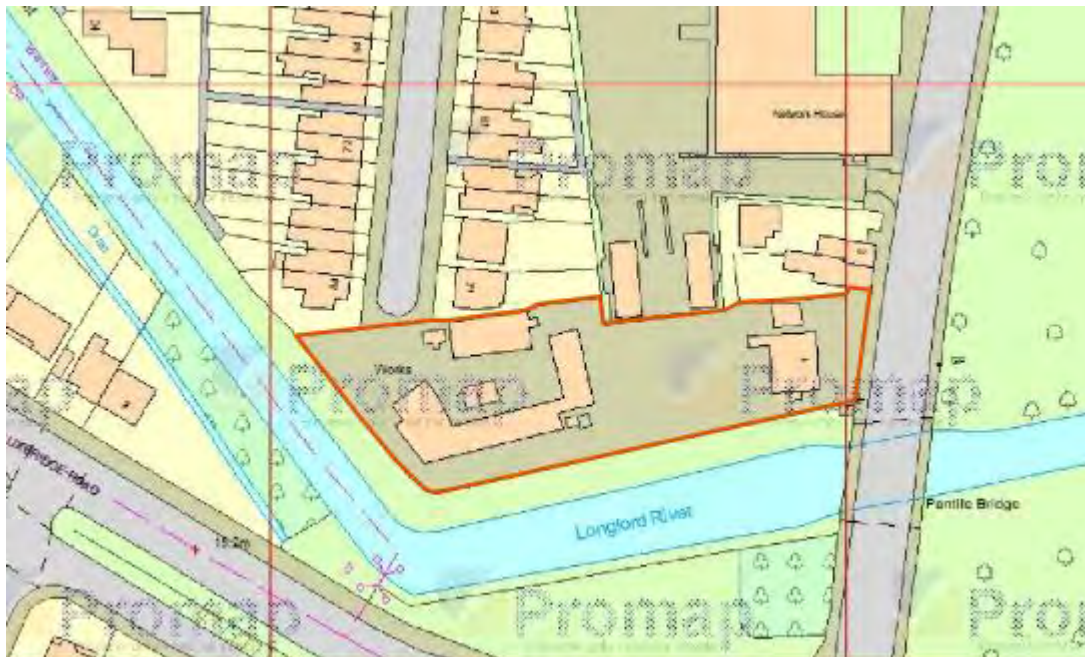
Status: GTD Application:59/1143
 Date:21/12/1959 Retention of extension to existing workroom and continuation of use for making identification leg rings for poultry and other birds.

Development Management

Status: GTD Date:22/02/1961	Application:61/0088 Erection of 4 self-contained flats and garages.
<u>Development Management</u> Status: GTD Date:26/04/1961	Application:61/0269 Erection of a block of four flats.
<u>Development Management</u> Status: GTD Date:17/07/1961	Application:61/0633 Erection of four garages.
<u>Development Management</u> Status: GTD Date:06/11/1969	Application:69/1745 Erection of single storey building.
<u>Development Management</u> Status: GTD Date:18/12/1972	Application:72/2012 Erection of single-storey storage building at the side of existing storage and workshop buildings.
<u>Development Management</u> Status: AAPR Date:17/04/2018	Application:18/0584/GPD15 Change of use from B1c to C3 (Residential) to provide 2 x 2B4P flats.
<u>Development Management</u> Status: ARPR Date:26/04/2018	Application:18/0688/GPD15 Conversion of the existing B1c light industrial buildings to C3 residential use (to provide 4 x 2 bed house and 1 x 1 bed house).
<u>Development Management</u> Status: PDE Date:	Application:18/2649/FUL Erection of single storey rear extension, new window on first floor rear elevation and rear dormer roof extension to 1 High Street to facilitate the provision of 3 no. apartments (2 x 1B2P and 1 x 3P6P flats). Demolition of existing light industrial buildings and erection of 2 new 2.5 storey buildings to provide 16 x 1, 2 and 3 bedroom flats (3 x 1 bed, 12 x 2 bed and 1 x 3 bed) with associated access, amenity space, parking and cycle and refuse provision.
<u>Enforcement</u> Opened Date: 02.08.1995 Reference: 95/00410/EN	Enforcement Enquiry

18/2649/FUL
Land at 1 High Street/Myrtle Road,
Hampton Hill TW12 1NA

Ward: Fulwell and Hampton
Hill
Case Officer: Simon Graham-Smith



Application description: Erection of single storey rear extension, new window on first floor rear elevation and rear dormer roof extension to 1 High Street to facilitate the provision of 3 no. apartments (2 x 1B2P and 1 x 3P6P flats).

Demolition of existing light industrial buildings and erection of 2 new 2.5 storey buildings to provide 16 x 1, 2 and 3 bedroom flats (3 x 1 bed, 12 x 2 bed and 1 x 3 bed) with associated access, amenity space, parking and cycle and refuse provision.

Applicant: Boyer Planning for Beaumont Residential

Application received: 13.09.2018

SUMMARY OF APPLICATION

The proposal involves the conversion of an existing commercial building to three flats including various alterations and extensions. Single storey workshops to the rear are to be replaced by two 2.5 storey buildings to contain a total of sixteen flats. Associated parking is provided.

The existing building fronting the High Street is a Building of Townscape Merit and part of the site is within a Conservation Area. Adjoining the site to the south is open land designated as Metropolitan Open Land and an Other Site of Nature Importance.

No objection is raised to the demolition of the buildings to the rear, the alterations to 1 High Street or the principle of residential use of the site.

The design, mass and bulk, as well as the height of the proposed new-build flats and their siting are considered to be unacceptable, being out of character with their surroundings and having a negative impact on the setting of the Building of Townscape Merit, the character and appearance of the Conservation Area and the character and openness of the Metropolitan Open Land. They would also unacceptably impact on neighbour amenity in relation to adjoining residential properties.

As a former employment site, the provision of a proportion of affordable housing would be expected as part of the development. None is offered and no contribution towards off site provision is offered. A case put forward by the applicant that the scheme would be unviable with an affordable housing contribution has been reviewed and is not accepted.

It has not been sufficiently demonstrated that the proposal would be acceptable in relation to the impact on preserved trees and their replacement and the impact on biodiversity.

An appropriate contribution to the Council carbon offset fund would need to be secured by legal agreement if the scheme was otherwise acceptable.

RECOMMENDATION: Refusal

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1. The site contains a two storey property fronting the High Street which has a parking area and adjoining garage. There is open land to the rear of the building and beyond this are several large single storey sheds, some of which are conjoined. There is a vehicular access to the area of the site containing the sheds from Myrtle Road.

1 High Street



Site View



Myrtle Road access



1..2 1 High Street, the existing building fronting the road, is classified as a Building of Townscape Merit (BTM), a non designated heritage asset. In relation to 1 High Street, there is a shop with a flat above to the north (No 3). Three houses have recently been built to the rear of that property, 9A 9B and 9C High Street. To the south is open land adjoining the Longford River. 1 High Street and the land immediately to the rear of it are in a Conservation Area (CA38 – High Street

Hampton Hill) and the land to the south is Metropolitan Open Land (MOL) and an Other Site of Nature Importance (OSNI).

1.3 The part of the site containing the sheds is outside the Conservation Area. The northern boundary adjoins 71 and 84 Myrtle Road which are houses either side of the access from Myrtle Road. There is open land to the south and west adjoining the Longford River which is MOL and OSNI. The land to the south is also within the above mentioned Conservation Area.

2. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

2.1 The proposal involves conversion of 1 High Street to three flats with a ground floor rear extension, modest rear dormer extension and an additional first floor rear window. Parking is proposed for two cars in front of the building and two at the side.

2. The buildings to the rear are intended for demolition and replacement with two blocks, each two storeys with accommodation within the roofspace, to contain a total of sixteen flats of varying sizes. A parking area for six cars is proposed near the Myrtle Road access with a second parking area by the northern boundary for eleven cars. The proposed new buildings are intended to be finished in London Stock brick, white painted render, clay tile roofs and lead clad dormers.

Proposed layout



Proposed new build elevation



3 Relevant Planning History

1. The rear part of the site had been in use for making identification leg rings for poultry and other birds prior to 1949. Various extensions and alterations to the workshops to the rear were approved in the 1950s, 1960s and 1970s. 1 High Street appears to have been in residential use during this period..
2. 81/0699 – (1 High Street) Change of use of premises from residential to office accommodation ancillary to the main light industrial use of the site. Refused permission – loss of residential 1981.
3. 82/94/4 – (1 High Street) Use of the premises for office/business/staff amenity and residential purposes, all ancillary to the light industrial use of the site. Established use application – refused – insufficient evidence to confirm established use 1982.
4. 87/0677 – Erection of a single storey workshop. Approved 1987.
5. 96/0242/S191 – (entire site) Use Of Premises In Connection With The Manufacture And Distribution Of Bird Rings (b1 Use Class). Lawful use certificate granted 1996. The residential use of 1 High Street had seemingly ceased in the early 1980s.
6. 18/0584/GPD15 – (1 High Street) Conversion to two flats – prior approval granted 2018. Not implemented to date.
7. 18/0688/GPD15 – (Workshops at the rear) conversion to five houses – prior approval granted 2018. Not implemented to date.

4. DEVELOPMENT PLAN

4.1 The main development plan policies applying to the site are (not exhaustive):

London Plan (2016)

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 4.1 Developing London's Economy
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide emissions

- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.21 Contaminated Land
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.8 Heritage assets and archaeology
- 7.14 Improving Air Quality
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

Local Plan (2018)

- LP 1 (Local Character and Design Quality)
- LP 3 (Designated Heritage Assets)
- LP 8 (Amenity and Living Conditions)
- LP 10 (Local Environmental Impacts, Pollution and Land Contamination)
- LP12 (Green Infrastructure)
- LP13 (Green Belt, Metropolitan Open Land and Local Green Space)
- LP15 (Biodiversity)
- LP16 (Trees, woodlands and landscape)
- LP 17 (Green Roofs and Walls)
- LP 20 (Climate Change Adaptation)
- LP 21 (Flood Risk and Sustainable Drainage)
- LP 22 (Sustainable Design and Construction)
- LP 24 (Waste management)
- LP30 (Health and wellbeing)
- LP 34 (New Housing)
- LP 35 (Housing Mix and Standards)
- LP 36 (Affordable Housing)
- LP 38 (Loss of Housing)
- LP 39 (Infill, Backland and Backgarden Development)
- LP 40 (Employment and Local Economy)
- LP 44 (Sustainable Travel Choices)
- LP 45 (Parking Standards and Servicing).

4.2 The Local Plan policies can be found at:

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

5. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF) (2019)

Supplementary Planning Documents

- Design Quality (2006)
- Small and Medium Housing Sites (2006)
- Front Garden and Other Off-Street Parking Standards (2010)
- Air Quality (2020)
- Refuse and Recycling Storage Requirements (2015)
- Sustainable Construction Checklist (2016)
- Affordable Housing (2014)
- Residential Development Standards (2010) incorporating the Nationally Described Space Standards
- Village Planning Guidance SPD

More information on these documents can be found

at: https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

DCLG/Department of Transport – Manual for Streets

6. CONSULTATIONS CARRIED OUT

6.1 Letters were sent to neighbouring properties in September 2018, site notices were placed near the site and an advert was placed in the local newspaper.

- 6.2 Representations from 36 addresses have been received in total, comprising 30 objections and 4 letters of support. Two observations were made. (full comments are available on the Council's website). 23 of the objections came from properties in Myrtle Road with other objections from the owner of the three new houses to the north, a resident of the flats to the north of those houses, three properties in Park Place (flats approximately 75m to the north of the site), a property on Hampton Hill High Street some distance to the north and a property in another area within the borough. The letters of support came from other areas of the borough apart from one from Seymour Road, which is approximately 0.9 km away. The observations came from Park Place and a prospective purchaser of one of the houses to the north who lives in Essex.
- 6.3 The concerns raised could be summarised as:
- Proposed development is out of character and unsympathetic to the area.
 - Gated development would be out of character
 - Overdevelopment of site
 - Size/mass of proposed new buildings is inappropriate to the area .
 - Dominant/overpowering form of development.
 - Over-intensive development
 - Loss of privacy/overlooking to neighbouring properties .
 - Proposal would overshadow buildings nearby.
 - Development will result in loss of light
 - Excessive noise and disruption
 - Impact on available on-street parking.
 - Insufficient parking provision.
 - Inadequate access via a narrow cul de sac and impact on highway safety.
 - Adverse impact of the siting of parking area and refuse/recycling facility adjoining an existing property
 - Impact on drains.
 - Adverse impact on biodiversity and loss of trees.
- 6.4 The representations in support cited:
- Making good use of the land.
 - Important housing provision
 - Provision of a turning head for Myrtle Road.
 - Improvement in appearance.
 - Reduction in traffic.
 - Many people will be interested to purchase an apartment in this location.
 - Objections on transport grounds are weak and this should not be reason for not permitting developments such as this.

Internal Consultees

See under headings for principle of redevelopment and change of use, housing and affordable housing, design/massing/layout, transport, trees, ecology and contamination.

7. EXPLANATION OF OFFICER RECOMMENDATION

The main planning considerations for this application are assessed as:

- i. Principle of redevelopment and change of use of the site
- ii. Affordable Housing
- iii. Other Housing Policies
- iv. Design, Massing and Layout
- v. Impact on existing residential amenity
- vi. Parking and transport considerations
 - vii. Sustainability and renewable energy targets
- viii. Ecology
- ix. Trees
- x. Air quality

i. Principle of Redevelopment and change of use

Loss of Employment Floorspace

1. Policy LP42 of the Local Plan seeks to resist the loss of industrial floorspace within the borough due to the extremely limited existing supply. There is a presumption against the loss of industrial floorspace.

2. Policy 4.4 of the London Plan categorises London Borough as Richmond as an area of Restricted Transfer of Industrial land to other uses. The draft London Plan is stricter, placing Richmond in the Retain Capacity category for the management of industrial floor space capacity. Research for the GLA indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041. Any loss must be supported by full and proper marketing and the sequential approach, as set out in policy LP42 applied. Only once this has been conducted satisfactorily, will alternative employment uses be considered and then the amount of floor space should be re-provided or enhanced.

3. This has been an industrial site for many decades. There is a presumption against the loss of industrial land in all parts of the borough unless the applicant can demonstrate that there is no demand for such space and that there is not likely to be in the foreseeable future. The marketing information submitted indicated that the site was on the market from March 2017. It is stated that the small outbuildings are of low specification, irregularly shaped and not suitable for today's industrial users. They have not generated any serious interest from potential occupiers. However, there is no indication that the site was marketed for redevelopment for industrial /storage or mixed use in line with the sequential approach.

4. It is accepted that at present the accommodation is of poor quality. The Council Planning Policy Team have pointed out that a comprehensive redevelopment of the whole site for industrial /alternative employment uses has not been tested, including the option for providing improved access from High Street. In addition there is no offer of affordable housing.

5. This needs to be weighed against the fact that permission exists for the existing buildings to be used for residential purposes having been granted prior approval (where the loss of employment/industrial land could not be taken into consideration). Whether it would be feasible or desirable for the workshops to be converted is open to question. However it has to be taken into account that the site could become wholly residential without the need for further permission. If the proposal was otherwise wholly policy compliant the view is taken that redevelopment for residential purposes could be accepted.

ii. **Affordable Housing**

6. Local Plan Policy LP36 states some form of affordable housing contribution will be expected on all new housing sites. On all former employment sites at least 50% on-site provision is required and, where possible, a greater proportion than 50% affordable housing should be achieved. The affordable housing mix should reflect the need for larger rented family units and the Council's guidance on tenure and affordability, based on engagement with a Registered Provider to maximise delivery. Where on-site provision is required, an application should be accompanied by evidence of meaningful discussions with a Registered Provider which have informed the proposed tenure, size of units and design to address local priorities and explored funding opportunities. Where a reduction to an affordable housing contribution is sought on economic viability grounds, developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing.

7. A viability assessment has been submitted by the applicant and this concludes that the scheme is unable viably to support any affordable housing financial contribution, and that the contribution would need to be waived to ensure that the proposed scheme was able to minimise the residual value deficit against the site's viability benchmark and deliver an outcome for the applicant that could be progressed. No evidence has been provided of any engagement with a Registered Provider.

8. An independent assessment of this report was commissioned by the Council. This concluded that the scheme would be viable, disagreeing with three elements of the report:

9. A) The build cost allowance was found to be 9% in excess of the cost projected by independent analysis.

10. B) The proposed sales values were found to be 4% in excess of average values taken from local research.

C) The Benchmark Land Value for the site was derived as £1,169,000 based on its existing use value (EUV) plus a 20% premium which is significantly lower than the applicant's assumption by £451,000.

The appraisal showed a residual land value of £1,456,000, after allowing for CIL of £200,000. This land value is above the benchmark land value by £287,000,

and consequently the assessment states that the proposed scheme is viable and could provide additional S. 106/affordable housing contributions.

11. In view of the above it is not considered that the proposed development would be compliant with Policy LP 36 because engagement with registered providers has not been undertaken and even if the site had been unattractive to registered providers, no contribution towards the provision of off site affordable housing is offered. .

iii. **Other Housing Policies**

Housing mix

12. Policy LP35(A) states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location. The site adjoins a mixed use area to the north and could be considered as being on the edge of the town centre. There is a former office/light industrial building converted to flats at 15 – 19 High Street. which is 25m to the north. In the circumstances a proportion of small (studio or 1 bed) units, just over 25% of the housing provided is considered to be acceptable.

Internal space standards

13. Policy LP35 requires that all new housing complies with the Nationally Described Space Standards (NDSS). The minimum standards are outlined below:

- A single bedroom should be at least 7.5sqm and 2.15m wide
- A double bedroom should be 11.5sqm and 2.75m wide
- Head height should be at least 2.3m for a minimum of 75% of the gross internal floor area
- Suitable storage space to be incorporated into units
- Communal gardens to be sheltered from roads and not overlooked from habitable rooms.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

14. Based on the floor plan drawings, the accommodation schedule and the Planning Statement submitted with the application, each of the proposed units conform to the NDSS’s minimum gross internal floor area requirements and respective minimum bedroom size requirements. It is noted that the flats proposed within the existing 1 High Street are lacking storage space and if the scheme was otherwise acceptable it would be necessary to clarify this omission. However, generally the proposal demonstrates s an adequate standard of accommodation for each of the units in accordance with Policy LP35.

External space standards

15. The Council seeks the provision of external amenity space in accordance with the Residential Development Standards SPD and Policy LP35(C and D). Within the Council’s Residential Development Standards SPD it is emphasised that the council will encourage a minimum of 5m²of private outdoor space should be provided for 1-2 person dwellings and an additional 1m²should be provided for each additional occupant. It is noted that ground floor units will have their own garden space and south facing balconies are proposed for the new-build flats. There will also be a communal area and the site is located opposite Bushy Park. Consequently it is considered that a sufficient level of amenity space for the development would be achieved.

Policy LP 31 of the Local Plan requires the provision of dedicated on-site play space where there is an estimated child occupancy of 10 or more as calculated using the GLA calculator. In this case the estimate is 8.5 children and no on-site play space is required.

Inclusive access

16. Since 1 October 2015, 90% of new housing in a development is expected to meet Building Regulation Requirement M4(2) 'accessible and acceptable dwellings' and 10% is expected to meet Building Regulation Requirement M4(3) 'wheelchair-user dwellings'. This is set out in Policy LP35(E). Both M4(2) and M4(3) require step-free access, the use of wheel chair lifts to provide access to upper floors may also be required for multi-storey development proposals.

17. The applicant notes within their Design and Access Statement that the proposal would accord with Building Regulation Requirements M4(2). With two of the ground floor units compliant with M4(3). In those circumstances the council are satisfied that the proposal would incorporate a suitably inclusive access in line with Policy LP35 of the Local Plan.

Amenity for future occupants

18. In terms of amenity and outlook, it is considered that the proposed residential units would receive adequate levels of daylight, sunlight and outlook.

iv. **Infill housing: character, design and layout**

Acceptability of backland/infill housing

19. Policy LP 39 of the Local Plan states that all backland/infill development must reflect the character of the surrounding area and protect the amenity of neighbours. Notwithstanding the in-principle objection to the loss of employment/industrial floorspace, in considering applications for backland developments, the following factors will be taken into account:

- Retain plots of sufficient width for adequate separation between dwellings;
- Retain similar spacing between new buildings to any established spacing;
- Retain appropriate garden space for adjacent dwellings;
- Respect the local context, in accordance with policy LP 2 Building Heights;
- Enhance the street frontage (where applicable) taking account of local character;
- Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;
- Retain or re-provide features important to character, appearance or wildlife, in accordance with policy LP 16 Trees and Landscape;
- Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;
- Provide adequate servicing, recycling and refuse storage as well as cycle parking;
- Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

20. The rear part of the application site can be considered as previously developed land. The proposed buildings would replace the existing workshops and therefore the proposal is not considered to result in the loss of garden or amenity space in accordance with Policy LP39. It is noted that the opportunity to provide green roofs has not been taken up.

Character, Design & Layout

21. The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments. Whilst it states that LPAs should not impose architectural styles or particular tastes, it reinforces that it is important to consider local character and distinctiveness.

22. The Council's Local Plan Policy LP1 requires development to incorporate high architectural and design quality based on sustainable principles.

23. Policy LP3 notes that buildings or parts of buildings, street furniture, trees and other features which make a positive contribution to the character, appearance or significance of the area should be retained. New development (or redevelopment) or other proposals should conserve and enhance the character and appearance of the Conservation Area.

Policy LP 4 seeks to preserve the character and setting of non designated heritage assets including Buildings of Townscape Merit.

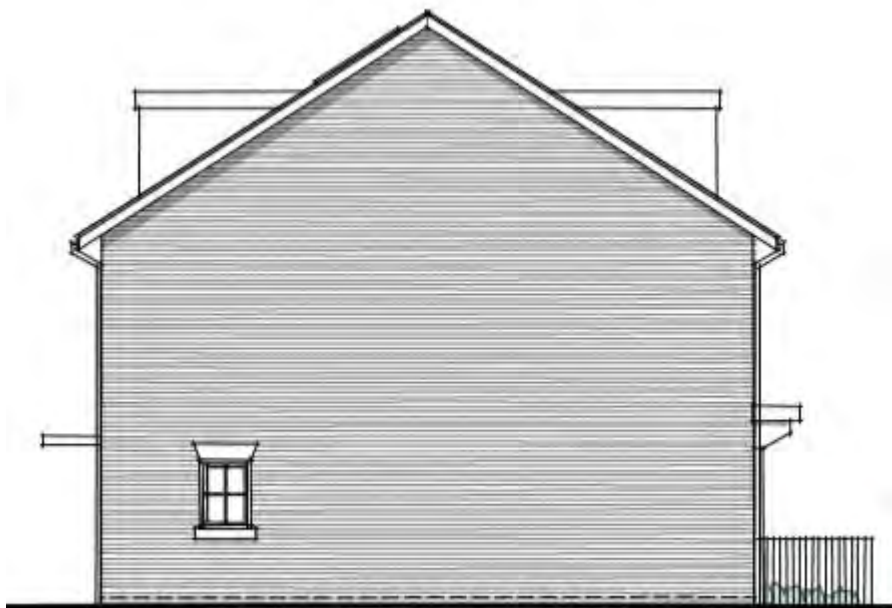
Policy LP 13 seeks to protect the character and openness of Metropolitan Open Land and states that when considering development nearby the visual impact on the character and openness will be taken into account.

24. In relation to the building fronting the High Street, although the Council Urban Design Team has expressed concern at the impact of conversion to flats, it is difficult to see how this would impact on the design apart from at the rear where a modest roof dormer and single storey rear extension are proposed. In addition, prior approval has already been granted for conversion to flats. In the circumstances the conversion is not objected to in principle. Concern was also expressed at the amount of parking at the side and front which it was felt would dominate the setting of the building. Although parking exists at the side, two spaces are proposed in front of the building and the layout plan suggests that the front hedge, which might provide some relief, will need to be partially removed. This would have a negative impact on the character and setting of the Building of Townscape Merit and the character of the Conservation Area and would therefore be unacceptable.

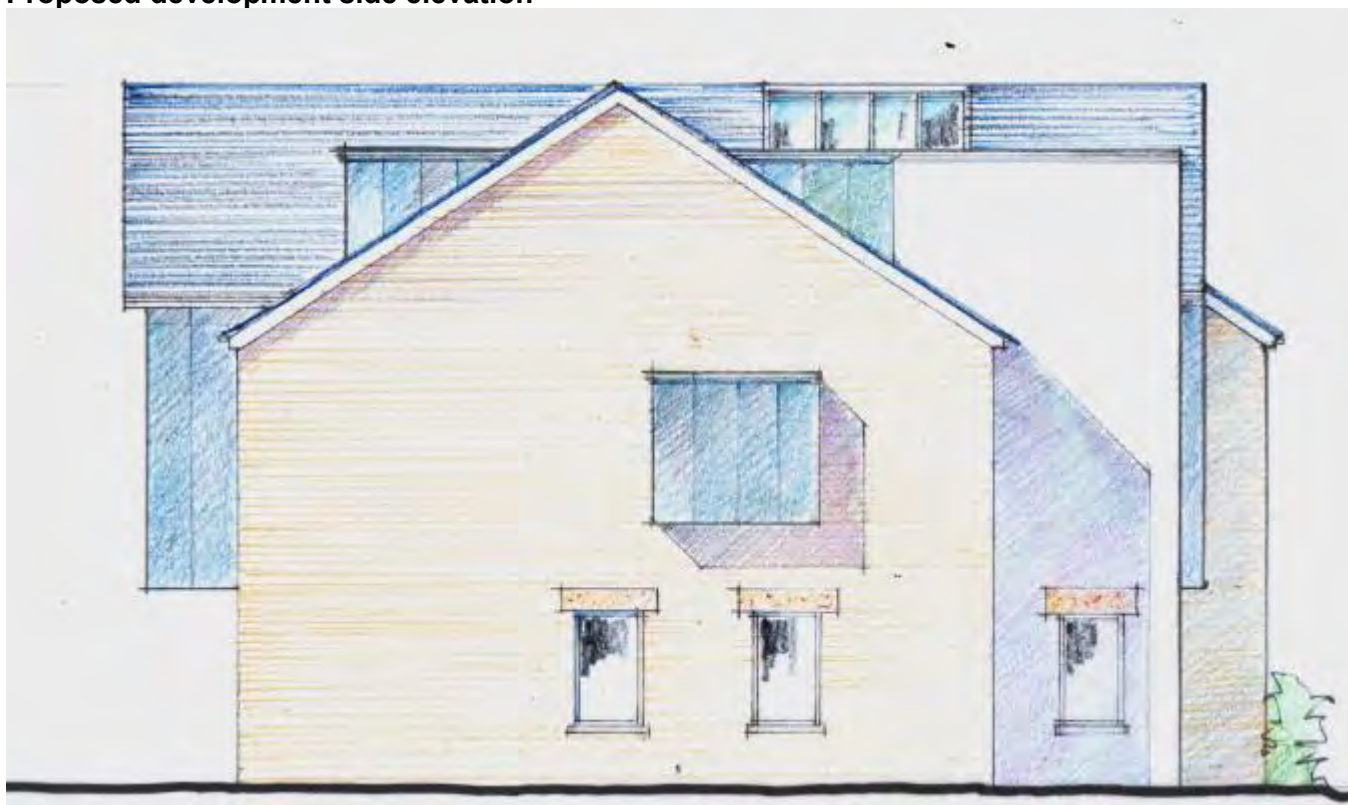
25. No objection is seen to the loss of the workshops to the rear in relation to the overall appearance of the site. However the replacement buildings are considered to be excessive in scale, at odds with the grain of the area and not subservient to the frontage building. A backland development has recently been undertaken on the adjoining site within the grounds of a large former office block, now converted to flats, 9-19 High Street. The former office building and the recently built terrace of three houses which adjoin the application site are two storey with modest dormers providing accommodation within the roofspace. The proposed buildings incorporate a far bulkier roof element as can be seen particularly when comparing side elevations.

Recently built terrace of three houses on the adjoining site





Proposed development side elevation



26. The other nearby buildings are those in Myrtle Road comprising a bungalow (No 71) and a two storey end of terrace house (no 84). The proposed buildings would be out of scale with these properties. The proposed development clearly does not reflect the character and scale of the surrounding area and is considered to be an overdevelopment which would be harmful not only to the visual amenities of site of the proposed new build flats but also to the character and setting of the adjoining Building of Townscape Merit, the character of the adjoining Conservation Area and to the open nature of the adjoining MOL.

27. The general design of the new buildings does not appear to relate to any of the surrounding development and if the scheme was otherwise acceptable the incorporation of design elements from the local area would have been pursued.

28. The two parking areas are considered to dominate the overall rear part of the site

29. The National Planning Policy Framework (NPPF) advises the Government attaches great importance to the design of the built environment stating that developments should be visually attractive as a result of good architecture. In addition, weight is placed on preserving and enhancing heritage assets. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In relation to the designated heritage asset, paragraph 134 of the NPPF indicates that where there would be harm that is less than substantial, it must be weighted against the public benefits of the proposals. Overall, and on balance, the benefits of the proposed development are not considered to outweigh the harm to visual amenity, the adjoining open land, the BTM and to the Conservation Area.

30. In light of the above, it is considered that the development will not accord with Policies LP1, LP 3, LP 4 and LP13 of the Local Plan, along with associated SPD guidance.

v. **Residential amenity**

31. Policy LP8 states that in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.

1. ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible;

2. ensure balconies do not raise unacceptable overlooking or noise or disturbance to nearby

3. occupiers; height, massing or siting, including through creating a sense of enclosure;

3. Ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure;

4. Ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.

Overlooking

32. Policy LP8 also requires a minimum 20 metres minimum distance between windows serving habitable rooms within residential developments for privacy reasons. The nearest properties are 3 High Street, 9a, 9b and 9c High Street and 71 and 84 Myrtle Road. The only side facing window facing 3 High Street is a secondary living room window which could be obscure glazed. It will be sufficiently distanced from the proposed backland flats not to be unreasonably affected by them.

33. 9a, 9b and 9c are the recently built terraced houses. Each have upstairs bedroom windows facing the site, which are 9.5m from their rear boundary. Elements of the proposed backland flats are to be 13-15m away from the rear of those existing houses, however the only facing upstairs window on the part of the proposed building facing the houses is to be obscure glazed. The bedroom served by the obscure glazed window would have a second, east facing, window which is at 90 degrees to the wall to prevent overlooking of 1 High Street. Whilst these measure prevent overlooking from the bedroom first floor flat their contrived nature severely restricts any outlook from it. There is a second floor rooflight facing the three houses but this will be sufficiently above floor level to prevent overlooking.

34. In relation to the Myrtle Road houses, No 84 will be almost 19m away from the proposed flats and at an angle from them. In these circumstances it is not considered that No 84 will be unreasonably affected. The proposed flats will face the side elevation of No 71 which will be 12.5m away. There are no upstairs side facing windows to habitable rooms at that property. The rear garden will be overlooked by several bedroom windows and although the garden is also overlooked by the adjoining house the addition of windows facing it at 90 degrees 12.5m way would arguably have an unneighbourly and overbearing impact.

35. No objection is seen to the relationship between the new build flats and those to be contained within 1 High Street.

Daylight/sunlight

36. The applicant has submitted a Daylight and Sunlight (DSO) assessment, prepared by Right of Light Consulting. This report is based on the Building Research Establishment (BRE) guidelines for sunlight and daylight. The report concludes that based on the layout and design of the proposed development, existing buildings surrounding the site will retain access to sufficient levels of daylight and sunlight. Changes to the Vertical Sky Component (VSC) are considered minor and the impact on sunlight did not show significant reductions. It is noted that the windows most affected in the recently built houses are south facing and classed in the report as 'secondary' and the applicant has taken the view that they are secondary to north facing windows, however these are at the other end of the building and partially blocked from the main rooms at the rear. The three houses all have these wide windows including French doors facing the application site. Had the application been otherwise acceptable clarification would have been sought on this issue.

Bulk/dominance

37. The proposed development would be highly noticeable from the rear gardens of, in particular, 71 Myrtle Road and 9a, 9b and 9c High Street. At a distance of less than 5m from the end of the westernmost of the three recently built houses and a height of approximately 9.5m it is considered that the proposed flats would have an unneighbourly and overbearing impact on neighbour amenity.

Noise/odour

38. Neighbour concerns regarding noise and odour are noted, particularly with regard to the location of the parking and refuse areas adjoining 71 Myrtle Road. Elements of both are shown directly abutting the boundary with some soft landscaping partially providing a buffer. It is acknowledged that the refuse area would be enclosed, however the location of this and the parking spaces on the boundary in conjunction with the overbearing impact discussed above are also considered to be unneighbourly.

39. In light of the above,

8. In light the proposal is considered to be contrary to Policy LP8 of the Local Plan.

vi. **Transport and Highway Safety**

Vehicular Traffic Generation

The applicant has used TRICS data to demonstrate that the proposed new development will generate 6 fewer two-way vehicular trips during the AM weekday peak hour, 3 fewer two-way vehicular trips at the PM weekday peak hour, and 27 fewer vehicular trips between 07.00 and 19.00 than a typical business using the site for its current lawful use. Whilst it is appreciated that the current business may not generate as many movements as a typical business, there would be nothing to stop an alternative business from using the site which did generate typical or greater vehicle movements. Consequently there is no objection to the proposal on grounds of vehicular traffic generation.

Vehicular and Pedestrian Accesses

40. The applicant proposes that the residents of the flats that will live in 1 High Street will use an existing vehicular cross-over access which is on the western side of the High Street. The applicant proposes to widen this from its current width, at the front edge of the footway of 5m, to 6.2m. The applicant would need to enter into a legal agreement with the Local Highway Authority to do this under S278 of the Highways Act 1980. These works would include the insertion of a longer dropped kerb and the relocation of Street Light 004 which is immediately to the south of the existing access.

41.

The applicant proposes to utilise an existing vehicular access at the southern end of Myrtle Road. This will serve a vehicular parking court with 17 perpendicular parking spaces and will provide access to cycle parking and a pedestrian access on its eastern side which will run through the site in a generally easterly direction. This pedestrian footway would need to be hard surfaced and maintain a width of at least 1.2m for its entire length to allow safe access to the site for disabled users. This could be secured through a pre-commencement planning condition.

Vehicular Parking

7.42 The applicant proposes a parking court with access on to the A311 High Street (see above).

This will serve four vehicles. The parking court which will be accessed from the southern

end of Myrtle Road will serve 17 vehicles. Apart from two spaces to the north of 1 High Street which are tandem spaces and should be allocated to the three-bed flat in that building, the spaces are all 4.8m x 2.4m and have a manoeuvring aisle behind them of 6m in width. The applicant has provided off-road vehicular parking in accordance with the standards set out in the London Borough of Richmond's current Local Plan, and there is no objection to the vehicular parking proposals. The proposed development is in an area with a PTAL score of 2 and is not located within a Controlled Parking Zone.

Cycle Parking

7.43 Policy LP44 of the Local Plan seeks the provision of appropriate cycle access and sufficient, secure cycle parking facilities. The applicant has provided residential cycle parking in accordance with standards set out in the current London Plan.

Refuse Collection and Servicing

7.44 Policy LP24 of the Local Plan, the Council's Residential Development Standards SPD and the council's Refuse and Recycling Storage SPD requires that secure storage be provided on-site for refuse and recycling bins. The applicant proposes that the access to the site from Myrtle Street shall be open and, immediately to the south of the highway boundary, shall have a turning head to allow a refuse vehicle of not less than 10.4m in length to enter, turn in, and exit the development in forward gear. The carriageway of this access road into the parking court is 5.6m wide so provides safe access for fire tenders and ambulances. The flats within 1 High Street can be serviced from the carriageway on the A311 High Street.

Construction Traffic Management Plan

7.45

The applicant needs to provide a more detailed Construction Traffic Management Plan. This can be secured through a pre-commencement planning condition. In particular, they need to provide a description of the largest vehicles likely to use the site, evidence that these vehicles can enter, turn in, and exit the site safely in forward gear, and a description of the route these vehicles will take to get to the site. They also need to confirm that they will strongly advise site employees to travel to and from the site by sustainable modes of transport wherever possible.

vii. **Sustainability**

7.46 Policy LP22 states that development will be required to conform to the Sustainable Construction Checklist. All new major residential developments (10 units or more) should achieve zero carbon standards in line with London Plan policy. A zero carbon home is one where at least 35% of regulated CO₂ emissions reductions are achieved on-site, with the remaining emissions (up to 100%) to be offset through a contribution into the Council's Carbon Offset Fund. The Council has adopted the London Plan price of carbon which is £60 per tonne x 30 years equalling £1,800 per tonne of carbon.

7.47 The submitted energy report states that the 35% target will be met and that an appropriate contribution will be made to the offset fund. If the application were otherwise to be acceptable, the exact amount would need to be confirmed and subject to a legal agreement. In addition the proposal conforms to the Sustainable Construction Checklist SPG, achieves a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation and achieves the water consumption target of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

7.48 The completed Sustainable Construction Checklist was submitted with the planning application which indicated a total of 45, a B rating, was achieved suggesting that at a minimum the scheme would help to significantly improve the Borough's stock of sustainable developments.

7.49 Policy LP17 states that green roofs or brown roofs should be included in all new major developments, and this is also encouraged in smaller developments, renovations, conversions and extensions. No green roof is proposed and whilst it could be argued that the design of the roofs is not conducive to this, no evidence is provided and no mitigation such as a green wall, as suggested by the policy, is included. The proposal would therefore be contrary to Policy LP17 of the Local Plan.

viii. **Ecology**

7.50 Policy LP15 Biodiversity states that the Council will protect and enhance the Borough's biodiversity, and in particular the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. Council will resist the loss of trees which are of value and encourage new high-quality landscaping and planting which reflects the surrounding environment.

7.51 This site is considered to be an important part of the green link and connectivity with Bushy Park along the Longford River. The Longford river itself is a Site of Importance for Nature Conservation (SINC) and corridors are given special protection within local, regional and national plans. Bushy Park is a Site of Special Scientific Interest (SSSI) and a Site of Metropolitan Importance for Nature Conservation (SMINC). The bat emergent survey shows that the perimeter vegetation including trees is important for the movement of bats (and other wildlife) and therefore these should be retained as they are.

7.52 The grass behind the house is much more interesting than just amenity grass, there are the remnants of ant hills and there is a greater diversity of species and the bat survey report shows that bats are foraging above it. Therefore this should also be retained as it is.

7.53 The hedge in the front garden bordering the High Street has been missed from the survey and should have been included. This is an important wildlife feature worthy of retention. It would currently be lost for parking provision, is this to be lost if should be mitigated for on site.

7.54 The view is taken that the proposed development is too much development within the space, there is not enough space next to the boundary vegetation with the river and there is a concern that there will be pressure to keep it pruned back (and potentially impact bird nesting) and also introduce new light spill onto the river, which would potentially disturb the ability of bats movement along the river corridor; a breach of the legislation.

7.55 For the above reasons and contrary to Policies LP12, LP15 and LP18, I cannot currently support this application.

ix. **Trees**

7.66 Policy LP16 states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees.

7.67 This site is partly in the conservation area and as such approximately half of the trees are protected (those on the eastern side of the site). The trees surrounding this site provide an important wildlife corridor and green link with Bushy Park. The trees are especially important given the adjacent river corridor which needs to be given special consideration.

7.68 The proposal would required the removal of the following trees; part of G4, T10, T11, T12 and T13 all of which have been categorised as C trees. The tree plan shows many trees labelled as G4 along the southern perimeter of the site bordering the Longford river. It is unclear which of these boundary trees will actually need to be removed from the plan provided (TPP-CC/1774 AR3349). T10, T11 and T12 are shown as being retained on the plan but removed within the report, this is confusing and refined non ambiguous detail is needed as this is not currently transparent. The key utilised on the tree protection plan could utilise different symbols to aid understanding.

7.69 T6 and T10 are both sizeable Ash trees which have ivy growing on their trunks into the lower crowns of the trees. Given this lack of clear trunk it is unclear how the conclusion about weak stems is formed. Ideally the ivy would have been severed to allow a clear view of this observation. T6 appears a tree worthy of retention and T11 and T12 are important boundary screening trees that should ideally be retained.

7.70 The proposal appears to offer little viable space for replacement planting and outdoor recreational amenity space for residents. Blocks A and B appear to be 4m from the adjacent trees. Ongoing pruning works will likely be required given this distance.

7.71 The hedge in the front garden bordering the high Street has been missed from the survey and should have been included. This is an important wildlife feature worthy of retention. It would currently be lost for parking provision.

7.72 Given the inaccuracies of the submitted tree plan, the loss of softground and amenity space and the overall loss of trees on site and lack of mitigation planting, the scheme is considered to be unacceptable and contrary to policy LP16.

x. **Air Quality**

7.73 Policy LP 10 of the Local Plan seeks to ensure good air quality design and secure at least 'Emissions Neutral' development.

7.74 The submitted air quality assessment acknowledges the location within the Richmond Air Quality Management Area (AQMA) which exists due to NO₂ levels exceeding the Air Quality Standard (AQS). It was agreed at the time of submission that there would be a requirement to provide Electric Vehicle Charge Points (EVCPs) in line with policy requirements and to address additional vehicles generated by the proposed development and their impact on air quality along the High Street. In addition, the assessment proposes appropriate mitigation measures to be adopted at the construction stage.

7.75 Bearing in mind the net reduction in traffic predicted by the transport assessment it is not considered that there would be a worsening of NO₂ levels in relation to the AQS. The impact of the development aside from motor vehicles on the AQS is negligible and overall the proposal would have a better impact than air quality neutral.

8. OTHER MATERIAL CONSIDERATIONS

Housing Land Supply

8.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.2 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'

8.3 At the time of writing, the Council is able to demonstrate more than 5 years of housing land supply including buffer and has a Local Plan which has been adopted within the last five years. Therefore, for the purpose of determining this planning application, the LPA is able to demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). The ordinary planning balance having regard to the statutory test in section 38(6) of the 2004 Act is therefore engaged.

8.4 Land Contamination

Former potentially contaminative land uses on the site and surrounding area include a Printing and Bookbinding Works, Depot, and Toolmakers Works. The eastern side of the site currently comprises two storey brick property and an adjacent single storey garage, while the western side comprises several one storey buildings of brick or cinderblock construction with corrugated roofs which may contain asbestos. Large amounts of abandoned machinery and evidence of fly tipping are also present.

8.5 The conceptual site model in the submitted report considers the overall risk from land contamination at the site to be moderate to low and therefore, recommends that an intrusive investigation including 6 ground gas monitoring visits over a 3 month period be undertaken.

- 8.6 Given the previous land use of the site and surrounding areas, a condition would be required, were the scheme to be otherwise acceptable, relating to the need for further investigation and mitigation is necessary.
- 8.7 Flooding and Sustainable Drainage
- 8.8 Policy LP 21 states that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.
- 8.9 Although close to the Longford River, the site falls within Flood Zone 1. The surface water run-off from the proposed development will discharge via a pumped system into the Longford River at a peak discharge rate of 3 litres / second. The proposed SuDS features will ensure excess water will be safely contained within the site boundary and surface water treatment of the access road and parking areas will be provided via permeable paving.
- 8.10 In the event the capacity of the proposed surface water drainage network is exceeded, the excess water will follow the topography of the ground and flow overland into the soft landscaping at an unrestricted rate, leaving properties unaffected.
- 8.11 There are not considered to be any flood-related issues that would render the development unacceptable.
- 8.12 Health and Wellbeing
Policy LP 30 states that planning, at all levels, can play a crucial role in creating environments that enhance people's health and wellbeing. The Council promotes and supports healthy and active lifestyles and measures to reduce health inequalities.
- 8.13 The Council will support development that results in a pattern of land uses and facilities that encourage:
1. Sustainable modes of travel such as safe cycling routes, attractive walking routes and easy access to public transport to reduce car dependency.
 2. Access to green infrastructure, including river corridors, local open spaces as well as leisure, recreation and play facilities to encourage physical activity.
 3. Access to local community facilities, services and shops which encourage opportunities for social interaction and active living, as well as contributing to dementia-friendly environments.
 4. Access to local healthy food, for example, allotments and food growing spaces.
 5. Access to toilet facilities which are open to all in major developments where appropriate (linked to the Council's Community Toilet Scheme).
 6. An inclusive development layout and public realm that considers the needs of all, including the older population and disabled people.
 7. Active Design which encourages wellbeing and greater physical movement as part of everyday routines.
- 8.14 The submitted health impact assessment indicates that the proposal meets almost all of these requirements and bearing in mind the nature of the development as a smaller 'major' scheme this is considered to be acceptable..

Local Finance Considerations

- 8.15 The site would be liable for Community Infrastructure Levy (CIL) (Borough CIL and Mayoral CIL).

9 Conclusion:

Planning permission should be refused on the following grounds:

1. By reason of the lack of affordable housing proposed either on-site or in the form of a contribution towards off site provision the proposal would be contrary to policy LP 36 of the Richmond upon Thames Local Plan 2018 and policy 3.12 of the London Plan as well as the Council Affordable Housing Supplementary Planning Document, and the Mayor of London Affordable Housing and Viability Supplementary Planning Guidance.
2. By reason of their height, design, mass and bulk together with their siting the proposed new-build flats would constitute an overdevelopment which would be out of character with its surroundings to the detriment of the visual amenities of the area, the character and appearance

of the Conservation Area, the character and setting the adjoining Building of Townscape Merit and .the character and openness of the adjoining Metropolitan Open Land. The proposal would therefore be contrary to policies

3. The proposal by reason of the height and siting of the proposed new build flats would have an unacceptably overbearing and unneighbourly impact on adjoining residential properties which would be detrimental to the visual and residential amenities of the occupiers thereof and thereby contrary to policy LP 8 of the Richmond upon Thames Local Plan 2018.

4. In the absence of a binding legal agreement to secure an appropriate contribution into the Council's Carbon Offset Fund the proposal would fail to comply with sustainability policies including policies LP 20 and LP 22 of the Richmond upon Thames Local Plan 2018 and policies 5.1, 5.2 and 5.3 of the London Plan.

5. The proposed loss of mature street trees and potential damage to trees to be retained and the negative impact on biodiversity would be contrary to policies LP 15 and LP 16 of the Richmond upon Thames Local Plan 2018 and policies 7.19 and 7.21.of the London Plan.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):SGS..... Dated:20/10/2020.....

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:20.10.2020.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0046390	Decision Drawings
U0046389	NPPF Refusal

10/1447/FUL - 14 ELMTREE ROAD AND SOMERSET HOUSE TEDDINGTON (Boyer Planning Ltd for Ashill Developments Ltd and KBC Teddington Ltd) PDF 170 KB

Demolition of existing buildings and erection of 58 homes comprising 14 no. 3 bedroom and 10 no. 4 bedroom houses and one apartment block providing 15 no. 1 bedroom, 15 no. 2 bedroom and 4 no. 3 bedroom apartments together with associated car parking, landscaping and access.

of which 5 houses + 25 flats = AH

Officer's recommendation: **REFUSAL**

Minutes:

The Development Control Officer introduced the item and reported the following amendments and additional correspondence:

- The internal layout of the flats has been altered to show an increase in the proportion of affordable housing now being proposed to 52% (5 houses, 25 flats). Along with a Draft Planning Agreement covering necessary planning obligations were the application to be approved.
- A further letter of support for the proposal has been received from an Elmtree Road resident.
- Additional Informative
- IL05 Decision Drawing numbers SK01-P1, A-3070A, 1774-A-1000-A, A-1001-A, C-1005-L, A-1210-A, A-3000-F, A-3004-D, C-3020-K, C-3030-E, C-3040-E, C-3050-G, A-3060-D, C-3061-C, A-3071-A received on 21st May 2010; 1774-A-1200-G, A-1201-E, C-3006-D, 1005-O, A-1103-D, C-3005-E received on 4th August 2010; 1774-A-3001-K, A-3002-L, A-3003-L received on 20th August 2010

The Committee heard representations from Mrs J Doherty, Mr Gleave, Mr R Mullet, Mr A Spagnoletti, Miss K Wass, Mr A Williams and from Councillor Cardy and Councillor Elloy who spoke as interested councillors.

The Committee **RESOLVED** that the application be **REFUSED** for the reasons set out in the officer's report and the following additional reason:

The design of the proposal is of a high density development which, by reason of its form and massing as a residential scheme, is out of character with and detrimental to the prevailing residential character of the locality and harmful to the visual amenities of the street scene. As such the proposal is contrary to policy BLT11 of The London Borough of Richmond upon Thames Unitary Development Plan - First Review Adopted March 2005.

10/1447/FUL
14 ELMTREE ROAD AND SOMERSET HOUSE
TEDDINGTON

FULWELL AND HAMPTON HILL WARD
Contact Officer:
S Graham-Smith



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Proposal: Demolition of existing buildings and erection of 58 homes comprising 14 no. 3 bedroom and 10 no. 4 bedroom houses and one apartment block providing 15 no. 1 bedroom, 15 no. 2 bedroom and 4 no. 3 bedroom apartments together with associated car parking, landscaping and access.

Applicant: Boyer Planning Ltd for Ashill Developments Ltd and KBC Teddington Ltd

Application Received: 25th May 2010

UDP – First Review policies: ENV 7, ENV 9, BLT 11, BLT 12, BLT 13, BLT 14, BLT 15, BLT 16, BLT30, TRN 2, TRN 4, TRN 8, EMP 4, HSG 4, HSG 11, HSG 18.

LDF Core Strategy policies: CP1, CP2, CP3, CP5, CP7, CP14, CP15, CP16, CP17, CP18, CP19

Design Quality SPD

Affordable Housing SPG

Recycling for New Developments SPG

Planning Obligations Strategy SPD

Sustainable Construction Checklist SPD

Present Use:

Office and former industrial site.

SUMMARY OF PROPOSAL:

This site has a history of industrial use, however only part of the existing office building on the site is currently in use. A wholly residential scheme is proposed. The form, scale and design of the scheme is considered to be acceptable and appropriate to its context. The scheme is considered to comply with the Council's standards with regard to density, mix and size of units. The scheme would provide significant environmental improvements in comparison to the existing site and would not unreasonably affect neighbours. The units will be designed to achieve Code for Sustainable Homes level 3. The development as a whole will meet the required target of 20% renewable energy.

The level of car parking provision, 86 spaces plus an additional two car club spaces, exceeds that which would normally be accepted, but is considered to be necessary to avoid undue pressure on existing on-street parking provision. The provision of an acceptable level of cycle parking provision secures opportunities for alternative sustainable means of transport to the private car.

In allowing the loss of employment land, the acceptance of housing would normally be on the basis that it is wholly affordable. In the case of this proposal only 26 of the 58 dwellings would be affordable, less than 50% of the total. Although the applicant has demonstrated that 100% affordable housing would not be viable, it is not considered that the scheme provides sufficient benefit in terms of affordable housing provision to mitigate the loss of employment use.

→ 52% as a result
5 houses + 25 flats

RECOMMENDATION: REFUSAL**Site, History and Proposal:**

1. This is a site of 0.56 hectares (1.4 acres) which is bordered to the south by Somerset Road and to the west by Elmtree Road. There are houses and flats on the opposite sides of these roads as well as the main entrance to St Peters and St Marys School on Somerset Road. On the northern boundary are commercial/light industrial uses. To the east is Teddington Social Club and also on the eastern boundary are the rear gardens of eleven houses in Church Road.
2. The site was occupied for many years by a company called 'Grundys' which manufactured metal containers. The main use of the site was an industrial use with ancillary offices. At the end of the 1980s the company left the site and it appears to have been sold as two separate entities.
3. The workshops fronting Elmtree Road were used by a company called Bollingmores for car repairs/servicing. This part of the site is not currently in use.
4. The part of the site fronting Somerset Road was used as offices, with part used by a courier firm as their depot. This part of the site is now only partially in use. A 2002 planning application (Ref 02/1859/FUL) sought to extend the offices, adding just under 700 sq m of office floorspace. This application was refused by the Council and dismissed on appeal on the grounds of the implications increased traffic and parking problems.
5. The proposal involves the demolition of all buildings on the site and the erection of a three storey building on the corner of Elmtree Road and Somerset Road to contain 34 flats. Seven 3-storey houses are proposed fronting Somerset Road. Within the site a further 17 houses, all 2-storey apart from three 3-storey houses are proposed. There is a central garden area within the site, although the houses all have their own gardens. Parking spaces for 86 cars are provided with a proportion of these in an underground car park below the central garden area. Consultation meetings were held between the applicants and local residents prior to the application being made.

6. An application for use of part of the office building as a business college submitted by another applicant (10/1573/COU) has recently been refused due to the lack of a transport assessment.

Public and Other Representations:

7. The Environment Agency considers that planning permission should only be granted subject to conditions relating to contamination and surface water disposal.
8. Thames Water have not objected and have provided advice for the applicant.
9. Three local residents have written in support of the application. Letters of objection have been received from 46 properties in the area. The reasons for objecting are:
- Overdevelopment and unreasonable density
 - Road safety concerns, particularly in relation to the school opposite
 - Inappropriate design
 - Increase in traffic congestion
 - Loss of employment opportunities
 - Insufficient parking provision leading to increased pressure on-street
 - Too much parking provision encouraging more cars
 - Loss of trees
 - Insufficient amenity space
 - Impact on local infrastructure, especially schools
 - Affordable housing not required/desirable
 - Overlooking and loss of privacy
 - Overshadowing and loss of light
 - Noise and disturbance
 - Security issues in relation to passage to the rear of Church Road houses

Amendments:

10. Minor alterations have been made to the energy statement, clarifying the attainment of the 20% carbon offset target. A central vent to the underground parking opening on to the amenity area was objected to on design grounds and this has been removed and replaced by small vents. Doors have been added to ground floor flats on to the amenity area and private patios are demarked by low railings. The travel plan has received minor amendments and various concerns relating to sightlines and maneuverability have been addressed.

Professional Comments:

Loss of employment land and housing policy

11. The proposal is for a wholly residential development. In relation to land use policy, UDP First Review policy EMP 4 states the following:
- *The Council will require employment land, or sites or premises which were last used for employment purposes to remain in employment use providing they are compatible with the amenity of the surrounding area and access to the site is adequate.*
12. This is backed by policy CP19 of the recently adopted Local Development Framework Core Strategy. However, it is recognised that the site does not have good access, with the roads to the west in particular being narrow and inappropriate for large amounts of commercial traffic. This was acknowledged to some extent in the refusal of the 2002 planning application to increase the amount of office floorspace.
13. Policy EMP 4 may allow for the possibility of a non employment use in the following circumstances:

- i) a property is vacant and is returning to its former residential use such as in the case of upper floors above shops;
- ii) the existing premises has severe site restrictions in terms of access and servicing arrangements which would make its continued employment use inappropriate; or
- iii) the location of the site has poor accessibility by public transport and its continued employment use would generate large numbers of journeys to work by the private car;
- iv) there is provision of evidence that full and proper marketing of the site at realistic prices both for the existing use and for redevelopment (if appropriate) for other employment purposes over an extended period has been unsuccessful.

18. In my opinion the last of these criteria needs to be addressed to the satisfaction of the Council in this particular case and the expected 'extended period' would be a minimum of two years. If the loss of employment use is accepted, preferred uses as an alternative are then listed within the policy, however many of these would not be viable on a site of this size and others are likely to cause similar access problems to an employment use. If these other uses have been exhausted the policy states that the Council may permit residential development in the form of permanently affordable housing.

19. It is accepted that the existing buildings are not attractive to potential users, in particular the industrial part of the site, and lack the utilities of more modern business facilities. Although a marketing report has been provided and the comments made in it are accepted, my opinion is that the employment use should only be relinquished if the proposed use is one which would be of special value to the borough.

20. Affordable housing is welcomed by national, regional and local policies. Council policy expects the housing to be wholly affordable. In the case of this proposal only 26 of the 58 dwellings would be affordable, less than 50% of the total. The applicant contends that a wholly affordable development is not financially viable. Evidence has been submitted in the form of a viability report which has been independently assessed. The conclusion which has been reached is that although the proportion of affordable housing viable could be increased to just over 50%, a proportion greater than this would not be viable. Bearing in mind that policy CP15 of the Core Strategy would require at least 50% of new housing to be affordable regardless of whether the site was in employment use, I am not convinced that this scheme provides sufficient benefit in terms of affordable housing provision to allow the loss of employment use.

increased
to 52%

21. Concerns about density have been noted. The number of dwellings per hectare for this scheme is 103, and the emerging draft London Plan suggests 40 – 80 in a suburban area and 50 – 110 in an urban area. The surrounding area also needs to be taken into account and Stanley Gardens Road has a density of 103 dwellings per hectare and Somerset Gardens a density of 72 dwellings per hectare. Other nearby roads have a lesser density. Bearing in mind that the density is no greater than one of the adjoining roads my opinion is that it would be difficult to justify refusal purely on the grounds of overdevelopment in terms of density.

viability not updated

22. Objections to affordable housing have been made and some objectors have stated that there is a plan to accommodate all affordable housing in the borough in North Teddington. It is true that schemes involving affordable housing have been approved in recent years in Shacklegate Lane (6 units), Railway Road (4 units) and at the Waldegrave Arms in Waldegrave Road (9 units). Although other developments were mentioned these did not involve affordable housing. If this proposal were to be approved the total in recent times would reach 45 spread over several sites. Planning permission has been granted for affordable housing in many other parts of the borough, for example, 52 affordable dwellings at 293 Lower Richmond Road less than a year ago and 31 at Williams Lane, Mortlake in May of this year. There is a current application for 28 at Orchard Road, Richmond. Other examples exist and I do not accept that there has been any attempt to concentrate affordable housing in this area.

Design

23. The scheme has a modern design, using flat roofs, which some objectors considered to be out of character. However, the existing buildings are arguably less in character with the surrounding mainly residential development and, in the case of the industrial building in particular, more out of scale. My opinion is that trying to copy the design of surrounding housing, which varies in scale and character from tight terraces in Stanley Gardens Road to larger houses in Church Road would be a wasted opportunity and that the proposed development attempts to create its own identity for its specific site. As well as individual amenity areas for the houses, albeit fairly small, a large central amenity area is provided.
24. The Design Panel discussed the scheme in June 2013 and were generally positive about the design and layout and the way the scheme as a whole addressed the area around it of which it will form a part. One of the issues they still had was to do with materials and the way these could be used to break up massing, enhance scale and create harmony with the surrounding buildings. There was also some concern about the central airvent and how apartment properties look out onto the central space, as opposed to actually having openable balcony space facing onto the central landscaped area. These two specific concerns have been addressed by the amendments to the plans. Details of the materials would be subject to conditions requiring further information. If the scheme were otherwise considered to be acceptable the design is considered to be acceptable subject to detailing.

Transport

25. UDP policy TRN 2 states that new development will only be permitted where it can be demonstrated that the transport infrastructure can accommodate it. It is important to remember that the site currently has a lawful use as a mixed office/industrial use, even if currently vacant for the main part. The site has a PTAL rating of 2 - 3, which indicates a medium-low public transport provision. However, Fulwell station is approximately 5m walk away, and there are two regular bus routes operating from stops easy walking distance of the site in Stanley Road (33, 281). Teddington town centre is also within reasonable walking distance. The application is supported by a Transport Assessment which has been considered by the Council's Transport Officers. They have concluded that the proposal, bearing in mind the existing lawful use, would not unacceptably affect the local traffic network. Concern has been raised in particular about traffic on Shacklegate Lane, which falls outside the detailed assessment submitted. However this was surveyed as recently as 2008 and is not considered to be particularly problematic. There have been no reported accidents on this road in recent years.
26. UDP policy TRN 4 refers to the Council's car and cycle parking standards, with maximum standards set for all types of development. The policy allows for a provision which is less than the maximum, providing there is no adverse impact on amenity, road safety or emergency access in the surrounding area, or a generation of unacceptable overspill of on-street parking in the vicinity of the site. The maximum parking standard for 1 and 2 bedroom units or affordable housing is one space per unit, and for 3 and 4 bedroom units two spaces for each unit. The scheme, therefore, would require a maximum of 77 parking spaces. The proposal would provide for a total of 86 parking spaces. This is in excess of what would normally be acceptable, but on the basis of recent parking surveys Transport Officers consider this level of provision to be acceptable in this particular case bearing in mind that surrounding streets are fairly heavily parked.
27. A further two spaces are proposed for use by a car club, in line with the Council's Car Club Strategy (2006). The applicants have agreed that lifetime car club membership would be provided for the whole of the development, secured as part of the S.106 legal agreement. The car club facility would be available for use by residents in the local area.
28. The layout of the car parking areas and the access and servicing arrangements are considered to be acceptable following minor amendments. Sight lines to the vehicular access to the site are

considered to be acceptable, subject to condition to safeguard them from encroachment. These have been considered taking into account St Peters and St Marys School on the opposite side of Somerset Road and new accesses have been kept away from the main entrance.

29. Cycle parking has been provided for the flats with spaces for 40 for the 34 units. The houses would provide their own storage subject to condition and this is considered to be acceptable.
30. Refuse and recycling facilities are to be provided in accordance with the Council's requirements.
31. A Construction Method Statement, to regulate activities associated with the development process, is considered to be necessary to limit noise and disturbance and should be secured by condition.

Amenity

32. A limited number of residential properties adjoin the site, all of these located in Church Road, to the east. 105 – 115 have very short rear gardens and back on to a 4.1m high wall which marks the site boundary. 117 – 123 have longer rear gardens and back on to a 2.4m high wall. If the wall between 105 – 115 and the site were to remain, the new development would, for the most part, not be visible from those properties. The applicant were advised to contact the residents affected to elicit their opinions on the wall and this is indicated as being reduced in height allowing some relief to the small rear gardens of the Church Road properties. A path is shown at the rear of the Church Road houses which has been criticized and if the scheme was otherwise acceptable a condition would be required to ensure that measures were included to prevent security concerns.
33. New houses will back on to the rear of 117 – 123 Church Road but the properties will be separated by more than 20m and this relationship is considered to be acceptable. Other nearby properties are on the opposite sides of Somerset Road and Elmtree Road and it is not considered that these would be unreasonably affected in terms of privacy or loss of light.

Trees

34. The site itself contains no greenery. As a result of the proposed works three street trees, all London Planes, would be harmed and it is intended to remove these trees on Somerset Road. These would be replaced and a number of additional trees will be possible in the proposed communal areas and private gardens which will result in an overall increase.

Contamination

35. The application is supported by a Geo-Environmental Site Investigation report which has assessed the risks to end-users of the development and the environment and information on ground conditions for foundation design and associated infrastructure. Contamination has been identified across the site and a need identified for further chemical analyses and monitoring.
36. The Council's Scientific Officer has evaluated the report and agrees that there is need to revisit the site and carry out further investigation. It is considered that the imposition of the standard contaminated land condition would adequately address these issues.

Sustainability

37. Policy CP1 of the LDF Core Strategy advises that the Council will seek to maximise the effective use of resources, including land, water and energy, and that development will be required to conform to the Sustainable construction Checklist including the requirement that residential development should meet the Code for Sustainable Homes level 3. Policy CP2 states that the Borough will reduce its carbon dioxide emissions by requiring measures that minimise energy consumption in new development and that it will increase the use of renewable energy by requiring all new development to achieve a reduction in carbon dioxide of 20% from on-site renewable energy generation where feasible.

38. A Sustainability Statement and Sustainable Construction Checklist have been submitted in support of the scheme, together with a Code for Sustainable Homes pre-assessment report, which have been considered by the Council's Sustainability consultant.
39. These demonstrate that the development will achieve a minimum Code for Sustainable Homes level 3 rating which accords with LDF Core Strategy policy CP1.
40. Following amendments it has been confirmed that the scheme will also achieve a minimum 20% reduction in carbon emissions in accordance with policy 4A.7 of the London Plan and LDF Core Strategy policy CP2. The measures proposed include the provision of two combined heat and power units and installation of photovoltaic panels on specific roof slopes.
41. The scheme complies with the other requirements of the sustainability checklist and the introduction of a green roof on the garages is particularly welcome.

Infrastructure

42. LDF Core Strategy policy CP16 sets out the expectation that new developments will be expected to contribute to any additional infrastructure and community needs generated by the development. The Council's SPD: 'Planning Obligations Strategy' provides the formulae for calculating the relevant financial contributions. For a development of this nature, the required POS contributions were as follows:
 - Transport £10,000
 - Open Space/Play £79,312.60
 - Health £16,694.79
 - Education £312,123
 - Monitoring fee £20,906.52
 - Total £439,036.91

Draft obligation provided at app stage

Summary

43. This site has a history of industrial use, however only part of the existing office building on the site is currently in use. A wholly residential scheme is proposed. The form, scale and design of the scheme is considered to be acceptable and appropriate to its context. The scheme is considered to comply with the Council's standards with regard to density, mix and size of units. The scheme would provide significant environmental improvements in comparison to the existing site and would not unreasonably affect neighbours. The units will be designed to achieve Code for Sustainable Homes level 3. The development as a whole will meet the required target of 20% renewable energy.
44. The level of car parking provision, 86 spaces plus an additional two car club spaces, exceeds that which would normally be accepted, but is considered to be necessary to avoid undue pressure on existing on-street parking provision. The provision of an acceptable level of cycle parking provision secures opportunities for alternative sustainable means of transport to the private car.
45. In allowing the loss of employment land, the acceptance of housing would be on the basis that it is wholly affordable. In the case of this proposal only 26 of the 58 dwellings would be affordable, less than 50% of the total. Although the applicant has demonstrated that 100% affordable housing would not be viable, it is not considered that the scheme provides sufficient benefit in terms of affordable housing provision to mitigate the loss of employment use.

I therefore recommend **REFUSAL**:

Reasons for refusal:

- NS01 - The proposal would result in the loss of employment land and in the absence of a sufficiently large proportion of affordable housing in the replacement development it

would be contrary to policy EMP4 of the Richmond upon Thames Unitary Development Plan First Review and CP19 of the Richmond upon Thames Local Development Framework Core Strategy.

NS02 - In the absence of contributions towards infrastructure appropriate to this scale of development the proposal would be contrary to policy CP16 of the Richmond upon Thames Local Development Framework Core Strategy.

Background Papers:

Application forms and drawings

Letters from local residents and statutory undertakers

Application forms, drawings and decision notice for relevant previous applications (ref: 02/1859/FUL,10/1573/COU).

The design of the proposal is of a high density development which, by reason of its form and massing as a residential scheme is out of character with and detrimental to the prevailing residential character of the locality + harmful to the visual amenities of the street scene. As such the proposal is contrary to policy BLT 11 etc.



Appeal Decision

Inquiry held on 1, 2, 3 and 9 February 2011

Site visit made on 9 February 2011

by Jessica Graham BA(Hons) PgDipL

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2011

Appeal Ref: APP/L5810/A/10/2135941

14 Elmtree Road and Somerset House, Somerset Road, Teddington, Middlesex TW11 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ashill Developments and KBC Teddington Ltd against the Council of the London Borough of Richmond-upon-Thames.
 - The application, Ref 10/1447/FUL, is dated 21 May 2005.
 - The development proposed is the demolition of the existing buildings and the erection of 58 homes, comprising 14 three-bedroom and 10 four-bedroom houses and one apartment block providing 15 one-bedroom, 15 two-bedroom and 4 three-bedroom apartments, together with associated car parking, landscaping and access.
-

Decision

1. I allow the appeal, and grant planning permission for the demolition of the existing buildings and the erection of 58 homes, comprising 14 three-bedroom and 10 four-bedroom houses and one apartment block providing 15 one-bedroom, 15 two-bedroom and 4 three-bedroom apartments, together with associated car parking, landscaping and access at 14 Elmtree Road and Somerset House, Somerset Road, Teddington, Middlesex TW11 8RS in accordance with the terms of the application, Ref 10/1447/FUL, dated 21 May 2005, subject to the conditions set out in the attached schedule.

Main Issues

2. In the light of the putative reasons for refusal put forward by the Council, and the provisions of the S.106 Undertaking submitted by the appellants, I consider the main issues in this appeal to be
 - (a) whether the proposed loss of employment land would be justified by the proportion of affordable housing to be provided as part of the residential development of the site; and
 - (b) the impact that the proposed development would have upon the character and appearance of the area.

Reasons

3. The appeal site consists of two adjoining commercial buildings set within a predominantly residential area, some 0.6km from the town centre of Teddington. No. 14 Elmtree Road was last used as a vehicle repair workshop, and has been vacant since March 2008. Somerset House is currently used to provide serviced office accommodation to businesses.

Employment land

4. As the Council's Unitary Development Plan (UDP): First Review (2005) explains, the Borough has no industrial areas designated in the UDP, relatively limited employment floorspace, and many small sites scattered across mixed-use and residential areas. There is pressure from residential and retail uses to locate on employment land, but a shortage of sites available for new business development.
5. As a consequence the Council has, for some time, adopted a policy-led strategy of protecting existing employment sites within the Borough. This finds expression in saved Policy EMP4 of the UDP, which sets out the requirement for employment land, or sites or premises last used for employment purposes, to remain in employment use provided that they are compatible with the amenity of the surrounding area. It then goes on to list the four circumstances in which use for other purposes would be considered acceptable, and it was agreed at the inquiry that if any one of those were applicable to the appeal site, its use for an appropriate alternative use would in principle be acceptable. It is therefore instructive to consider each in turn.

(i) Vacant property returning to residential use

6. This does not apply, as the proposed development would involve the wholly residential use of the site for the first time.

(ii) Premises where severe site restrictions, in terms of access and servicing arrangements, would make continued employment use inappropriate

7. Access to the appeal site is achieved via narrow residential streets, which are not subject to any parking restrictions. While the submitted parking surveys indicate that on-street parking is not at capacity, there is clearly considerable competition for spaces. The evidence of local residents is that parking congestion in the area can cause hazards and inconvenience for road users. The Primary School opposite the appeal site generates a considerable volume of vehicular traffic at pick-up and drop-off times, and I understand that planning permission has recently been granted for an extension to this school. Notwithstanding the traffic mitigation measures attached to that permission, it is reasonable to expect that there will be some increase in school-associated vehicular movements as a result.
8. The appellants contend that the constrained width of the surrounding heavily-parked streets would present even a modestly sized commercial vehicle with severe difficulties in terms of access to the site, and I accept that this would in turn have adverse consequences for highway safety. However, this concern is restricted largely to the potential re-use of the premises for B2 (general industrial) purposes; alternative employment uses, such as leisure or office space, would not necessarily generate a significant volume of HGV movements.
9. My attention was drawn to an earlier appeal decision (ref APP/L5810/A/02/1105399) ("the 2003 appeal decision") concerning a proposed extension of office space at Somerset House, in which the Inspector concluded that additional office accommodation would result in increased competition for parking spaces on the streets around the appeal site, thereby adding to existing levels of hazard and inconvenience. While this earlier scheme involved the provision of additional office space, it is material to note that the existing

office space is currently only occupied at around 50% capacity, and the industrial floorspace at No. 14 Elmtree Road remains vacant. The Highway Authority has expressed concern that any increase in vehicle movements above those associated with this current level of occupation of the appeal site would have a harmful impact on the surrounding road network. To the extent that these additional vehicles could not be accommodated within the site, they would increase pressure for on-street parking in the area.

10. The Council contends that parking restrictions could be introduced, to keep relevant stretches of the surrounding roads free from parked cars, and thereby improve access to the site. However, such measures would not be within the control of potential occupiers, and in my experience tend to be highly controversial; given the existing pressure for on-street parking spaces, they would be likely to meet with considerable resistance from local residents. The possible use of restricted parking areas is not, therefore, a consideration to which I attach much weight.
11. Taking all of this into account, I find that the restrictive access arrangements for the appeal site would preclude any future re-use of the site for B2 uses. In terms of the likely increase in existing levels of hazard and inconvenience on the surrounding streets, I consider that the constraints imposed by the current access and parking arrangements would also render the site inappropriate for continued employment use.

(iii) Poor accessibility by public transport, where continued employment use would generate large numbers of journeys to work by private car

12. I note that in the 2003 appeal decision, the Inspector took the view that the available public transport facilities would be of limited attractiveness to employees at the appeal site. I also note that in terms of its Public Transport Accessibility Level (PTAL) rating, the evidence is that the appeal site lies toward the higher end of level 2, which is poor.
13. However, while a PTAL calculation can be a helpful starting point for assessing accessibility, it is a somewhat blunt tool. The appeal site lies around 900m along level streets from both Teddington and Fulwell railway stations, which equates to a 10-12 minute walk. The site is also very well served by buses, with six routes passing close by.
14. The appellants contend that for commuter related trips, people will walk a greater distance to a railway station at the home end of their commute than at the outward part of their journey. While that may be the case, it is only one a range of factors that may influence the choices people make about modes of transport; others being, for example, the ease of parking at their destination.
15. In this particular case, it is fair to note that the location of the appeal site is clearly less accessible than a town centre employment site close to public transport nodes. Nevertheless, it is within walking distance of a choice of bus stops and rail stations, such that trips associated with its use could reasonably be made by public transport. I have no reason to doubt the appellants' evidence that employment uses would generate a significantly greater number of journeys by private car than would the proposed residential use of the appeal site, but a comparison with occupations other than for employment purposes does not fall within the purview of criterion (iii) of Policy EMP4. In terms of the appeal site's ongoing suitability for employment use, then, I am satisfied that it is reasonably accessible by public transport, such that it would

not necessarily generate an unacceptably large number of journeys to work by private car.

(iv) full and proper marketing of the site at realistic prices and over an extended period of time, both for the existing use and for redevelopment for other purposes, has been unsuccessful

16. The Council has expressed concern that Somerset House and 14 Elmtree Road have only been marketed individually, which means that expressions of interest in the appeal site as a whole have never been expressly sought. The appellants (that is, Ashill Developments and KBC Teddington Ltd) contend that this criticism is unfair, since the appeal site would only exist as a single entity if Ashill Developments (the owner of 14 Elmtree Road) were to exercise its option over KBC Teddington Ltd's property (Somerset House).
17. I am not convinced by that argument. If Ashill Developments and KBC Teddington Ltd are capable of acting in concert for the purpose of submitting the application and conducting this subsequent appeal, I see no reason why they could not have done so for the purpose of marketing the appeal site as a single entity, had the Council indicated at the planning application stage that it considered such an exercise necessary. However, the Council gave no such indication, and accepted the findings of the appellant's Marketing Report. That being the case, it is not unreasonable for the appellants' evidence to rely on the separate marketing activities regarding the two distinct properties that make up the appeal site.
18. In any event, the crux of the matter is that criterion (iv) of Policy EMP 4 requires the premises in question to have been offered to the market at an appropriate price, and for a suitable length of time, so as to demonstrate clearly that there is no realistic prospect of their continued use for employment purposes.
19. There is no dispute that the prices at which both Somerset House and 14 Elmtree Road were marketed were realistic.
20. 14 Elmtree Road was the subject of a marketing campaign for its sale or letting, carried out by experienced local commercial agents, between 2008 and its purchase by Ashill Developments in November 2009. Since that purchase the marketing of the premises has continued, albeit on a 'passive' basis. Somerset House was also the subject of a marketing campaign by experienced local agents, for sale or to let as a whole or in suites, from 2004 to 2006 when it was purchased by the Serviced Office Group plc (SOG). It was then subdivided and refurbished, and has been marketed ever since as serviced office units provided on short term tenancies. The undisputed evidence of the Chairman of SOG is that this venture has not succeeded; on average only 59% of the accommodation has been occupied since the refurbishment, and the continuation of this use is not viable.
21. I understand the Council's concern that because Somerset House has been offered as serviced office accommodation since 2006, it has not been specifically marketed for other purposes. Nevertheless, there was a two year period from 2004 to 2006 - a time before the current economic downturn - when the premises were offered on either a freehold or leasehold basis and at a realistic price; it would have been open to any prospective purchasers to consider the potential for redevelopment for other uses. Similarly, 14 Elmtree Road has been on offer as either a freehold or leasehold acquisition at a

realistic price for a considerable length of time, providing an extended opportunity for its redevelopment for other purposes. In my experience, developers do not restrict their consideration of re-development opportunities to properties that are specifically marketed as such.

22. It is also relevant to take account of the appeal site's position in the Borough-wide market for employment premises. As the Council has pointed out, the Employment Land Study that informed the Core Strategy, and which was subsequently updated in 2009, identified a mismatch between the over-supply of second-hand, poor quality commercial premises and the unmet demand for new, high quality premises. This accords with the evidence of the appellants' commercial property agent, who explained that there is a marked oversupply of offices in the Borough, such that a number have remained vacant for periods in excess of two years; many of them in better condition and better locations than the appeal site.
23. In my consideration of criteria (ii) and (iii) of EMP4 above, I concluded that the access and servicing arrangements for the site amount to severe restrictions that would render its continued use for employment purposes untenable; and that while this appeal site is reasonably accessible by public transport, it is clearly less accessible than a town centre employment site. Further, the buildings that currently stand on the site appear dated and somewhat careworn, set in unkempt grounds within a residential area, a fair distance from the shops and services of the centre of Teddington.
24. The Council contends that the site could be redeveloped to provide modern office conditions that would be potentially attractive to business occupiers, but given the constraints arising from its commercially unattractive location, I share the appellants' view that any such speculative re-development would be highly unlikely. A mixed use scheme could provide an opportunity for the partial residential development of the site to cross-subsidise an element of office space, but the appellant contends that such a scheme would not be viable unless a pre-sale or pre-letting of the office space could first be secured, which would be highly unlikely in the present economic climate. In the absence of any professional evidence to the contrary, I have no reason to doubt this advice.
25. As to possible alternative employment uses, I understand that while the marketing agent for No. 14 Elmtree Road received enquiries from parties interested in redevelopment for a children's nursery or care home, all of these parties went on to reject the site for reasons that mainly concerned the narrowness and congestion of the surrounding residential roads, and its location away from public transport and the town centre. For similar reasons, I consider it unlikely that the appeal site could be successfully redeveloped for other alternative employment-generating uses, as envisaged by the supporting text to EMP 4.
26. Taking all of this into account, I accept that the appeal site has never been marketed as a single entity for employment use, with specific mention of the possibility of redeveloping it for other alternative employment uses. Nevertheless, the two properties that comprise the appeal site have been put on the market at realistic prices, for extended periods, without attracting any realistic interest in their further use for business or other employment-generating use. In the light of what I am told about the clear lack of demand for second-hand business premises in comparatively poorly

connected locations, I conclude that there is no realistic prospect of the appeal site's continued use for employment purposes.

27. That being the case, the supporting text to Policy EMP 4 advises that residential development, in the form of permanently affordable housing, may be permitted. It refers to Policy HSG 6 of the UDP, but that has not been saved. It is therefore necessary to turn instead to Policies CP19 and CP15 of the Core Strategy.

Affordable housing

28. Policy CP19 sets out the Council's ongoing strategy of retaining land that is in employment use. The supporting text recognises that some sites will be unsuitable for continued employment use, in which case affordable housing should be maximised above normal requirements set out in Policy CP15.
29. Policy CP15 expresses the Council's expectation that 50% of all new units will be affordable housing. The supporting text explains that where viability is an issue in providing affordable housing, the onus will be on the developer to produce a financial assessment showing the maximum amount that can be achieved on the site.
30. The Council contends that Policy EMP 4 of the UDP should be construed as requiring 100% affordable housing. But this is not a requirement that is set out in terms, either within the policy, or as part of its supporting text, or in the Inspector's report on the UDP. My attention was drawn to the Council's Supplementary Planning Guidance *Affordable Housing*, adopted in 2003, which I am told was promulgated alongside the UDP as it emerged. This states that "Some sites will involve 100% affordable housing; for example... sites where the principle of a change of use from another land use has been established as an exception to policy". I am not convinced that this guidance is relevant to the current situation. Policy EMP 4 specifically lists the circumstances in which the use of employment land for other purposes would be acceptable, and since those at both (ii) and (iv) apply to the appeal site, I consider that the proposed change of use would be in accordance with that policy, rather than constitute an exception to it.
31. In any event, I attach considerable weight to the fact that Policy CP19 of the Core Strategy is a more up-to-date expression of the Council's approach to affordable housing on former employment sites than that set out in Policy EMP 4 of the UDP, with its cross-reference to the now defunct Policy HSG 6. The Policy CP19 approach of maximising the provision of affordable housing above that normally sought indicates a minimum requirement, in these situations, of 50% affordable housing.
32. The Appellants have submitted convincing evidence that the maximum provision of affordable housing that could be made as part of the proposed development would be 52%, which equates to 30 units out of 58. The Council's independent viability expert accepted this assessment, commenting that it reflected the viability of the appeal site, and expressing the view that there was no scope for additional units.
33. Having signed a Statement of Common Ground to the effect that it would not contest viability at the inquiry, the Council rather surprisingly then advanced an argument that it may after all be possible to achieve 100% affordable housing on the site, but agreed with the appellants that this would only be viable with

an additional element of public subsidy, above that arising from the anticipated grant funding. In the absence of any evidence that such additional subsidy exists and could be utilised in respect of this appeal site, this is an argument to which I attach very little weight.

34. The appellants have submitted a duly executed S.106 Undertaking to provide 30 units of permanent affordable housing. In the light of the policy context discussed above, I conclude that this would accord with Policy EMP 4 of the UDP, which makes provision for permanent affordable housing to be delivered on former employment sites that are no longer considered suitable for employment use. In particular, the level of provision would accord with that envisaged by Policies CP 19 and CP 15 of the Core Strategy, which together seek to ensure that delivery of affordable housing on former employment sites is maximised above the normal requirement of 50%, having regard to financial evidence as to its viability.

Character and appearance

35. In its current state, the appeal site does not make a particularly beneficial contribution to the appearance of this part of Teddington. The rather outdated industrial and commercial buildings on the site do not relate well to the predominantly residential character of the area; their scale and massing appear somewhat incongruous in the context of the surrounding housing, much of which takes the form of fairly close-knit terraces.
36. In place of the expanses of hard-surfaced parking that separate the existing buildings from the street, the proposed scheme would reflect the residential development pattern of the surrounding area by consolidating the built form along the frontages to both Elmtree Road and Somerset Road. Landscaped and planted areas would be provided between the new buildings and the street, and the majority of the existing mature trees along these frontages would be retained.
37. I do not share the Council's view that the loss of the hard-surfaced frontage space that surrounds the existing buildings would have a detrimental effect upon the street scene. It seems to me that this space is a functional element of the site's current commercial use, rather than a key part of the area's overall character. In the context of a change to residential use, I consider that the proposed disposition of the buildings and their setbacks, accompanied by appropriate landscaping (which could be secured by condition), would create active and attractive street frontages that would enhance the appearance of this residential area.
38. The Council expressed concern that at three storeys high and raised slightly above ground level to accommodate the undercroft car park, the new buildings would be out of keeping with the scale of their surroundings. I note that the buildings would be of unashamedly contemporary design, with flat roofs rather than the pitched-roofs of the surrounding predominantly two-storey houses; their eaves and ridge heights would not, therefore, be directly comparable to those existing houses. Nevertheless, I am satisfied that the dimensions, and proportions, of the new development have been carefully considered to ensure that they would harmonise with those of the existing dwellings. The street elevations would be staggered, and divided into a number of horizontal and vertical elements, articulating the massing of the buildings as a series of parts. The variation in materials, and the pattern of fenestration, would reflect the plot width and proportions of the neighbouring houses.

39. In my judgement, the proposed development is of a high-quality contemporary design that would integrate well with the residential character of the area, and improve its overall appearance. I conclude that the scheme would meet the objectives of Policy BLT 11 of the UDP, which seeks to ensure that new buildings are compatible with the scale and character of existing development and its setting.
40. It is fair to note that the density of this development would be slightly higher than that of some of the surrounding residential streets. However, as the Council rightly acknowledges, density is a numerical concept that should not be considered in isolation. Since I have found that the proposal would harmonise with the character of the area and improve its appearance, it follows that its density would be acceptable.

Other matters

41. In addition to securing the provision of 30 of the dwellings as permanently affordable housing, the S.106 Undertaking provided by the appellants secures the payment of a number of financial contributions, intended to offset the increased pressure on local infrastructure and services that would arise from the proposed development.
42. On the basis of the evidence provided I am satisfied that those contributions, the quantum of which has been calculated in accordance with the Council's Supplementary Planning Guidance *Planning Obligations Strategy (2005)*, are needed to fund improvements to street lighting and the public realm, augment healthcare and education provision to address the needs of future occupiers, and fund the provision of a car club space. In view of existing pressure for on-street parking in the area, I consider that the provisions within the Undertaking that oblige the owners to establish a car club, and to prevent future occupiers from applying for a street parking permit if the highways adjoining the appeal site are designated a Controlled Parking Zone within the next 5 years, are also needed.
43. I find that the S.106 Undertaking would accord with the requirements of Circular 05/2005 *Planning Obligations* and Regulation 122 of the Community Infrastructure Levy Regulations, and I have taken it into account in my consideration of the appeal.
44. Local residents have raised concerns about potential overlooking as a result of the residential development of the site. So far as the dwellings along the Elmtree Road and Somerset Road frontages of the site are concerned, I am satisfied that their relationship to, and separation from, the existing houses on those streets would be sufficient to prevent any harmful overlooking. Subject to an appropriate boundary treatment, the provision of which can be addressed by condition, I am also satisfied that there would be no harmful overlooking between the houses to the rear of the site and those on Church Road.
45. Local residents have also expressed concern about the impact of the proposed development upon highway safety and parking in the area. However, the residential use of the site would generate fewer vehicle movements than would its continued use for employment purposes, and the provision of off-street parking spaces within the development, and the introduction of a car club, would accord with the Council's adopted parking standards. On that basis, I consider that the development would have no significant adverse impact upon highway safety or existing parking conditions.

Conditions

46. The Statement of Common Ground recorded the appellants' and the Council's agreement upon a number of conditions, which I have considered in the light of the advice set out in Circular 11/95 *The Use of Conditions in Planning Permissions*.
47. In the light of recent government advice concerning minor amendments to planning permissions, it is necessary to attach a condition requiring development to be carried out in accordance with the approved plans. To ensure that the quality of the design shown on the approved drawings is carried through into execution of the scheme, conditions are also needed to secure samples of materials and details of various design elements.
48. As discussed above, conditions are needed to secure appropriate landscaping, including boundary treatment. A condition linking the provision of cycle spaces to the construction of the dwellings is necessary, to ensure that such spaces are readily available to occupiers, and a condition requiring a Construction Method Statement is needed to protect the living conditions of neighbouring occupiers while the site is being developed.
49. I have attached the Council's requested condition concerning the provision of 10% of the houses in accordance with their adopted standards for "Wheelchair Housing", and all of the housing in accordance with the submitted Sustainability Statement, since this reflects the requirements of the development plan. However, since the Lifetime Home Standards have clearly influenced the design of the dwellings, I see no need to impose a condition requiring compliance, at this late stage, with those standards.
50. Given the former industrial use of part of the site I agree that it is necessary to attach a condition dealing with contamination. A condition requiring the Council's agreement to a management plan for the disposal of waste is also needed, as is a condition requiring the implementation, prior to occupation of the dwellings, of an appropriate surface water drainage system.
51. Conditions are also necessary to secure the retention of the car parking spaces, prevent obstruction to the visibility splays, and secure access ramps of appropriate gradient, to prevent any adverse impact upon local parking provision or highway safety.

Conclusion

52. I do not underestimate the importance to the Borough of retaining such existing employment land as remains suitable for business use. But there is also a real and pressing need for the Borough to increase its provision of affordable housing. I have concluded that on the basis of the available evidence, this particular appeal site is not suitable for employment use. That being the case, it presents an opportunity to secure much-needed affordable housing, provided that a realistic approach is taken to ensuring that the development as a whole remains viable in the current economic climate.
53. While I can understand the Council's preference for the site to be developed for mixed residential and business use, that is not the scheme that is currently before me, and the evidence indicates that there is no realistic prospect of such a scheme being viable. Instead, what is presented is a scheme for residential development that would go a considerable way toward addressing the Council's affordable housing shortfall, and would also constitute a well-designed and

attractive use of the land that would enhance the character and appearance of this part of Teddington. I have not found any material considerations that would outweigh the proposal's compliance with the provisions of the relevant development plan policies.

54. For the reasons given above, I determine that the appeal should be allowed, and planning permission granted.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Kolinsky, of Counsel	Instructed by Ms H White, Interim Head of Legal and Electoral Services
He called:	
Ms S Tamplin DipTP PGDipArchCons MRTPI IHBC	Team Leader for Appeals and Enforcement

FOR THE APPELLANT:

Mr M Lowe QC	Instructed by Boyer Planning
He called:	
Mr M Kingshott CVO	Chairman of Serviced Office Group plc
Mr T J Gauld MRICS	Director of Bonsor Penningtons Ltd
Mr N Lowe BSc(Hons) MCIHT	Associate of RGP Ltd
Mr T James BA(Hons) B(ARCH)	Director of Omega Partnership Ltd
Mr A Williams MRTPI	Director of Boyer Planning Ltd

INTERESTED PERSONS:

Mr S Cunniffe	Local resident
Mr D King	Local resident
Mr R Mullett	Local resident
Ms J Doherty	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Order of appearance of appellants' witnesses
- 2 Letter from Mr R Good, local resident
- 3 Letter from Mr A Spagnoletti, local resident
- 4 Letter from Mr S Cunniffe, local resident
- 5 Addendum to the Statement of Common Ground: additional London Plan policy references, and section on mixed use redevelopment
- 6 Addendum to Mr Rowe's proof of evidence: Appendix J Location Plan
- 7 Amendment to Mr Rowe's proof of evidence: Table 5.2
- 8 Addendum to Mr James' proof of evidence: plan showing comparative street sections
- 9 Addendum to Mr James' proof of evidence: plan showing comparative distances from junction of Somerset and Elmtree roads
- 10 Draft Unilateral Undertaking, provided by the appellants
- 11 Opening submissions for the appellants
- 12 Opening submissions for the Council
- 13 Cover pages of the URS 2009 Employment Land Study Final Report, as requested by the Inspector
- 14 Amendment to the Statement of Common Ground: revised list of appeal drawings
- 15 Extract from *By design: Better places to live (A companion guide to PPG3)* submitted by the appellant
- 16 Copy of Mr Mullett's statement to the Inquiry, and accompanying photographs
- 17 Copy of Ms Doherty's statement to the Inquiry
- 18 Letter from Ms J Bayley, local resident
- 19 Letter from Ms K Wass, local resident
- 20 Copy of e-mail from Linn Karppinen, local resident
- 21 Copy of e-mail concerning the Council's request for a Travel Plan in connection with application ref 10/1573/COU
- 22 Copy of *Financial Viability Assessment for Affordable Housing Thresholds and Employment Redevelopment*, prepared for the Council by Christopher Marsh & Co, provided by the appellant
- 23 Two updated draft Unilateral Undertakings, one showing tracked changes, submitted by the appellant
- 24 Letters from Mr S Quartermain (dated 14 January 2011) and Mr G Clark MP (dated 3 January 2011) concerning recent changes to PPG 13
- 25 Extract from the Council's Supplementary Planning Document *Small and Medium Housing Sites*
- 26 Extract from the Council's 2006 Local Housing Assessment
- 27 Addendum to the Statement of Common Ground: viability of a 100% affordable housing scheme
- 28 Duly executed Unilateral Undertaking, submitted by the appellants
- 29 Office copy entries detailing ownership of the appeal site, submitted by the appellants
- 30 Maps and plans showing whereabouts of six examples of mixed use development in the locality, submitted by the Council
- 31 Closing submissions for the Council
- 32 Closing submissions for the appellants

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

1774-A-1000A	Site survey
1774-A-1001A	Location plan
1774-A-1005O	Site layout
1774-C-1005O	Site layout (coloured)
1774-A-1103D	Site layout showing parking
1774-A-1200G	Site sections: A-A and C-C
1774-A-1201E	Site sections: B-B and D-D
1774-A-1210A	Sections B-B and D-D
1774-C-1250A	Perspectives
1774-A-3000J	Plots 25-58 Lower ground floor
1774-A-3001K	Plots 25-58 Upper ground floor
1774-A-3002L	Plots 25-58 First floor plan
1774-A-3003L	Plots 25-58 Second floor plan
1774-A-3004E	Plots 25-58 Roof plan
1774-C-3005E	Plots 25-58 Elevations A and B
1774-C-3006D	Plots 25-58 Elevations C and D
1774-C-3020K	Plots 1-5 Elevations and floor plans
1774-C-3030E	Plots 6-9 Elevations and floor plans
1774-C-3040E	Plots 10-11 Elevations and floor plans
1774-C-3050G	Plots 12-17 Elevations and floor plans
1774-A-3060D	Plots 18-24 Ground, first and second floor plans
1774-C-3061C	Plots 18-24 Elevations and floor plans
1774-A-3070A	Stairs to central open space
1774-A-3071A	Garages to plots 18-24
1774-A-3072A	Shed plan and elevations
1237/001F	Landscape masterplan
SK01 Rev P1	SUDS and foul water drainage strategy
- 3) No development shall take place until drawings detailing the balcony railings, privacy screens and window glazing system, to a scale of not less than 1:20, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Details of hard landscaping shall include proposed finished levels or contours; means of enclosure; all boundary treatments, including those that exist and are to be retained in the same or amended form; car parking layouts; other vehicle and pedestrian access and circulation areas and hard surfacing materials; and these works shall be carried out in accordance with the approved details prior to the occupation of any part of the development. Details of soft landscaping shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment), and schedules of plants, noting species, plant sizes and proposed numbers and densities.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall commence until a scheme linking the provision of cycle parking facilities to the construction and occupation of the permitted dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 8) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the loading and unloading of plant and materials, including a construction logistics plan;
 - iii) the storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoardings;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling and disposing of waste resulting from demolition and construction work;
 - vii) hours of construction working;
 - viii) details of routes and access for construction traffic;
 - ix) hoarding details (to allow for full vehicular and pedestrian sightlines); and

- x) the method and equipment for piling if such construction measures are to be used.
- 9) No development shall commence until details to show how 10% of the dwellings hereby approved (and their associated parking) will be delivered in accordance with the Council's adopted standards for "Wheelchair Housing" have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to, and approved in writing by, the local planning authority:
- i) A preliminary risk assessment which has identified
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - ii) A site investigation scheme, based on (i), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

- 11) Prior to occupation of any of the dwellings hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any such long-term monitoring and maintenance plan as may have been identified in the verification plan, and measures for the reporting of this to the local planning authority.
- 12) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be addressed.

- 13) Development shall be carried out in accordance with the approved details of the Sustainability Statement dated 18 May 2010. Not less than 28 days notice shall be given to the local planning authority in writing prior to the completion of development to allow for the necessary observation, recording and confirmation that the development has been constructed in accordance with the approved details.
- 14) None of the dwellings hereby permitted shall be occupied until a management plan showing how refuse, waste and recycling materials will be stored and collected, together with plans showing the facilities to be provided, has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved details.
- 15) None of the dwellings hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 16) The parking spaces, car ports and semi-basement parking, as detailed on approved drawing no. 1774-A-1103D, shall be kept available for the parking of motor vehicles at all times.
- 17) No landscaping, boundary treatment or other obstruction within the pedestrian sightlines of the vehicular access shall exceed 0.6 metres.
- 18) The gradient of the vehicular access ramp must not exceed 1:10 with a 1:20 transition ramp at either end. Pedestrian access ramps must not exceed a gradient of 1:12.

**18/3804/FUL
139-143 STATION ROAD
HAMPTON**

**HAMPTON WARD
Contact Officer:
A VAUGHAN**

https://www2.richmond.gov.uk/PlanData2/Planning_CaseNo.aspx?strCASENO=18/3804/FUL



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Application description: Demolition of buildings on site and construction of a 3-storey building fronting Station Road, comprising 254sqm ground floor flexible commercial uses (B1c – Light Industry) with 7 apartments above (5 x 2B4P and 2 x 1B2P) and a 2-storey building onto Oldfield Road, comprising 2 x 2B4P houses with associated roof terraces and cycle/refuse stores, parking and hard and soft landscaping.

Applicant: Sunny Day Trading Ltd C/o Mr J Rowlatt of Union 4 Planning

Application received: 21.11.2018

Main development plan policies (not exhaustive):

Nationally Planning Policy framework - NPPF 2018
London Plan (2018)

Local Plan 2018:

- LP 1 (Local Character and Design Quality)
- LP 2 (Building Heights)
- LP 3 (Designated Heritage Assets)
- LP 8 (Amenity and Living Conditions)
- LP 10 (Local Environmental Impacts, Pollution and Land Contamination)
- LP 20 (Climate Change Adaptation)

LP 22 (Sustainable Design and Construction)
LP 25 (Development in Centres)
LP28 (Social and Community Infrastructure)
LP 24 (Waste Management)
LP 34 (New Housing)
LP 35 (Housing Mix and Standards)
LP 36 (Affordable Housing)
LP 39 (Infill, Backland and Backgarden Development)
LP 40 (Employment and Local Economy)
LP 41 (Offices)
LP 42 (Industrial Land and Business Parks)
LP 44 (Sustainable Travel Choices)
LP 45 (Parking Standards and Servicing).

Supplementary Planning Documents

Design Quality (2006)
Small and Medium Housing Sites (2006)
Front Garden and Other Off-Street Parking Standards (2010)
Refuse and Recycling Storage Requirements (2015)
Sustainable Construction Checklist (2016)
Affordable Housing (2014)
Residential Development Standards (2010) incorporating the Nationally Described Space Standards
Village Planning Guidance SPD: Hampton Village

DCLG/Department of Transport – Manual for Streets

Summary of Application

The proposed mixed-use development of 9 residential units and B1c units is considered to be acceptable in principle within the Station Road AMU, whereby mixed-uses developments are directly encouraged by both national, London and local planning policies and this has been confirmed to be an acceptable mix of uses by the Council's Policy Officer.

The development would create additional housing in an accessible location and an overall uplift/retention in the overall amount commercial employment generating space from the existing situation, in accordance with policies that promote the creation of employment space within mixed-use areas.

The rear part of the development would result in a suitably small-scale mews type two-storey development, which would be read in context with the adjacent residential property in Oldfield Road, and the frontage building of 3-storeys would directly reflect the height of adjoining buildings on the Station Road frontage, which are also primarily of 3 storeys in height, infilling the current gap in this main elevation. Therefore, the proposed buildings would not appear overly dominant, nor present an incongruous form of development that would be out of character with the surrounding area and no detriment to any heritage assets has been identified.

The design and siting of the proposal are such that the surrounding residential properties would not be detrimentally affected to an unacceptable degree and the proposed development would maintain adequate privacy levels and access to natural daylight and sunlight to surrounding properties. The design is such that it would not

result in an overbearing impact or excessive overlooking to neighbouring properties and the proposed residential element of the proposal would meet with the national space standards as stipulated by the DCLG – Technical guidance.

The Boroughs Transport Officer has confirmed that the car-parking, cycle-parking, proposed servicing and access arrangements to serve the development are acceptable and in accordance with adopted planning policy and that the proposed development would not exacerbate local parking stress or lead to adverse highway conditions.

RECOMMENDATION: PERMISSION subject to conditions and informatives.

Site description:

1. The site relates to land which presently comprises Alderson’s Car Repair Garage and attached MOT office (ancillary) plus a fireplace and doors showroom. To the rear (south) are a combination of single and two-storey workshop/storage buildings fronting Oldfield Road and two semi-detached houses at 48 and 50 Oldfield Road (which do not form part of the application site). To the west is a two-storey house converted to flats at 145 Station Road. To the east, is a more recent three-storey development at 137 Station Road, which consists of flats to the upper floors and offices at ground floor level. The site is considered a PTAL of 2, which is low; however, it is situated directly opposite Hampton Railway Station, fronting the southern side of Station Road and is also close to local bus links. The existing structures on the site are set back from the highway, following the building line of the generally taller, and more architecturally detailed buildings on either side.
2. The site is situated within an Area of Mixed Use (AMU), and borders, but is not within the Hampton Village Conservation Area (CA12), which includes 48-50 Oldfield Road on the Oldfield road elevation. The site is within Areas 11 and 12 of the Hampton Village Planning Guidance.
3. The pattern of uses along Station Road is mixed, with some commercial elements at ground floor intermingled with dwellings both at ground and upper floors. The showroom element of the existing buildings has dual aspect, with a yard that opens out onto Station Road. The proposed development, as described above; seeks to demolish the existing building and redevelop the subject site to provide a mixed-use development comprising residential and retail units.

Planning History:

Relevant pre-applications:

52 To 54 Oldfield Road and 139 Station Road, Hampton

4. Ref: 17/P0420/PREAPP Pre-application advice was submitted for the Proposed demolition of 139-141 Station Road and 52-54 Oldfield Road, Hampton, and Redevelopment to Provide 9 Residential Units and a New Retail Unit. The thrust of the pre-application advice acknowledged the planning history, but expressed concerns with regards to design and character, residential amenity, housing mix and standards and transport. Advice issued on 6th July 2018. This proposal has been submitted to address key concerns raised and also in response to advice provided in respect of a previous withdrawn application under ref:18/2695/FUL.

Relevant Planning Applications:

52 To 54 Oldfield Road and 139 Station Road, Hampton

Ref	Proposal	Decision	Appeal Decision
16/3097/OUT	Demolition of existing garage/workshop and retail show room and construction of ground floor offices, six flats and two cottages with associated parking, cycle, refuse and recycling storage (OUTLINE APPLICATION TO CONSIDER MATTERS OF ACCESS AND LAYOUT ONLY)	Non Determined 02/12/2016	Dismissed
<i>Reasons for Dismissal of Appeal –</i>			
<p><i>The inspector concluded that the proposed development would make adequate arrangements for parking, and its failure to provide a mechanism to secure affordable housing contributions would not constitute a reason to dismiss the appeal. However, these aspects of the scheme are demonstrably outweighed in the overall planning balance by the proposed development's conflict with the development plan in terms of the reduced amount of employment land it would supply, and its failure to provide adequate amenity space sufficient to meet the day-to-day needs of its occupants.</i></p>			

139 - 143 Station Road Hampton

Ref	Proposal	Decision	Appeal Decision
18/2695/FUL	Demolition of buildings on site and construction of a 3 storey building fronting Station Road, comprising ground floor commercial use (B1c) with 7 apartments above, and a 2 storey building fronting Oldfield Road, comprising 2 duplex mews apartments, together with access, landscaping and parking.	Withdrawn 11/10/2018	
15/2316/OUT	Demolition of existing garage and workshops and erection of ground floor offices with nine flats over on three floors with associated car parking, cycle, refuse and recycling storage	Refused Permission 17/07/2015	Dismissed
<i>Reasons for Refusal –</i>			
<p><i>The proposal would result in the partial loss of employment floorspace and in the absence of any detailed marketing evidence to justify such loss, this would be contrary to policy CP 19 of the Richmond upon Thames Core Strategy 2009 and policy DM EM 2 of the Richmond upon Thames Development Management Plan 2011.</i></p> <p><i>In relation to the proposed office units, no off-street parking is provided, and it has not been demonstrated that that there would be no adverse impact on the area in terms of street scene or daytime on-street parking. The proposal would therefore be contrary to policy, in particular, CP 5 of the Richmond upon Thames Core Strategy 2009 and policy DM EM1 and DM TP 8 of the Richmond upon Thames Development Management Plan 2011.</i></p> <p><i>In the absence of any evidence to demonstrate the proposal would be sustainable, the development would be contrary to policy CP 1 of the Richmond upon Thames Core Strategy 2009 and policy DM SD1 of the Richmond upon Thames Development Management Plan 2011; and Supplementary Planning Document 'Sustainable Construction Checklist'.</i></p> <p><i>The scheme, by reason of its siting, design, height, scale and relationship with adjoining properties, would represent a dominant, discordant and visually intrusive form of development that would be detrimental to the visual amenities of, and out of character with the surrounding area. The proposal would therefore be contrary to policy CP 7 of the Richmond upon Thames Core Strategy 2009 and policies DM HO 2 and DM DC 1 of the</i></p>			

Richmond upon Thames Development Management Plan 2011; and Supplementary Planning Document 'Design Quality'.

The scheme, by reason of its proposed siting, design, height and scale in relation to houses to the rear the proposal (particularly No. 48 and 50 Oldfield Road) would constitute an unneighbourly, visually intrusive and overbearing form of development resulting in unreasonable overlooking and therefore undue detriment to the amenities enjoyed by the occupants of neighbouring properties. The proposal would therefore be contrary to policies DM DC1, DM H02 and DM DC 5 of the Richmond upon Thames Development Management Plan 2011.

13/0822/OUT	Demolition of the existing buildings and the erection of a building comprising retail space on the ground floor and 8 apartments above. Including refuse storage, cycle parking and amenity space (OUTLINE APPLICATION for consideration of Access/Appearance/Layout/Scale).	Refused Permission 24/02/2014	n/a
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Reasons for Refusal –

Loss of Employment: The proposal would result in the loss of employment floorspace and in the absence of any detailed marketing evidence to justify such loss, this would be contrary to policy CP 19 of the Richmond upon Thames Core Strategy 2009 and policy DM EM 2 of the Richmond upon Thames Development Management Plan 2011.

Visual Amenity: The scheme, by reason of its siting, design, height, scale and relationship with adjoining properties, would represent a visually intrusive form of development that would be damaging to the visual amenity and out of character with the surrounding area. The proposal would therefore be contrary to policy CP 7 of the Richmond upon Thames Core Strategy 2009 and policies DM HO 2 and DM DC 1 of the Richmond upon Thames Development Management Plan 2011; and Supplementary Planning Document 'Design Quality'.

Impact on Neighbours: The scheme, by reason of its proposed siting, height and scale in relation to houses to the rear the proposal (particularly No. 48 and 50 Oldfield Road) would constitute an unneighbourly and overbearing form of development resulting in undue detriment to the amenities of neighbouring residents, who would also be affected by unreasonable overlooking. The proposal would therefore be contrary to policies DM DC1 and DM DC 5 of the Richmond upon Thames Development Management Plan 2011.

Parking: In relation to the proposed flats the proposal would exacerbate the existing on-street parking shortage in a heavily parked area to the detriment of local amenity and consequently could prejudice conditions of safety on the highway. The proposal would therefore be contrary to policy, in particular, CP 5 of the Richmond upon Thames Core Strategy 2009 and policy DM TP 8 of the Richmond upon Thames Development Management Plan 2011.

Transport Statement: The development, in the absence of a Transport Statement and agreed Service Management Plan, has not demonstrated that the scheme would not be prejudicial to highway and pedestrian safety and the free flow of traffic. The scheme would thereby be contrary to local, regional and national policies including policies CP5 and CP8 of the Richmond upon Thames Local Development Framework Core Strategy 2009, policies DM TC 2, DM TP 2, DM TP 6 and DM TP 7 of the Richmond upon Thames Development Management Plan 2011, policy 6.3 of the London Plan and National Planning Policy Framework Sustainable Transport policy.

<p>Infrastructure/Affordable Housing: <i>In the absence of a binding obligation to secure an appropriate financial contribution towards the provision of affordable housing and improvements towards transport, health, the public realm and education infrastructure and services in the locality, the scheme would be prejudicial to meeting the Council's affordable housing objectives and place unreasonable demand on infrastructure and services within the Borough contrary to the principles of sustainable development. The development would thereby be contrary to policy, in particularly CP15, CP16, CP 17 and CP 18 of the Local Development Framework Core Strategy 2009; policies DM TP 2 and DM HO 6 of the Richmond upon Thames Development Management Plan 2011; and the Council's adopted Planning Obligations Strategy Supplementary Planning Document, and the draft Supplementary Planning Document 'Affordable Housing'.</i></p> <p>Sustainability: <i>The proposal, by reason of its failure to meet 40% improvement in the reduction in CO2 emissions over the current Building Regulations, Code Level 3 of the Code for Sustainable Home (for the flats) or 'excellent' BREEAM standard for the shop, would therefore be contrary to policy CP 1 of the Richmond upon Thames Core Strategy 2009 and policy DM SD 1 of the Richmond upon Thames Development Management Plan 2011.</i></p>			
59/0993	Use of part of premises for stove enamelling.	Refused Permission 30/11/1959	n/a
47/4663	Use of building for light engineering.	Granted Permission 09/04/1954	n/a

52 - 54 Oldfield Road Hampton

Ref	Proposal	Decision	Appeal Decision
13/0821/OUT	Demolition of the existing buildings and the erection of a pair of semi-detached dwellings (OUTLINE APPLICATION for consideration of Access/Appearance/Layout/Scale).	Refused Permission 05/03/2014	n/a

Reasons for Refusal –

Loss of Employment: *The proposal would result in the loss of employment floorspace and in the absence of any detailed marketing evidence to justify such loss or consideration of the provision of affordable housing the proposal would be contrary to policy, particularly policy CP 19 of the Richmond upon Thames Core Strategy 2009 and policies DM EM 2 and DM TC 2 of the Richmond upon Thames Development Management Plan 2011.*

Design: *The proposed development by reason of its design, height and lack of architectural detailing would result in harm to the visual amenity and character of the streetscape and would fail to at least preserve the character and appearance of the adjoining Conservation Area. The proposal would therefore be contrary to policy, in particular policy CP 7 of the Richmond upon Thames Core Strategy 2009 and policies DM HO 2, DM HD 1 and DM DC 1 of the Richmond upon Thames Development Management Plan 2011 and the Council Supplementary Planning Documents 'Design Quality' and 'Small and Medium Housing Sites'.*

Neighbour Amenity: *The proposed development by reason of its design, mass, height and siting in relation to no. 50 Oldfield Road would result in an intrusive, un-neighbourly and overbearing form of development and an undue loss of light detrimental to the amenities enjoyed by the occupants of the neighbouring properties. The proposal would therefore be contrary to policy DM DC 5 of the Richmond upon Thames Development Management Plan 2011.*

***Parking:** The proposed development by reason of its lack of provision for off-street parking would exacerbate the existing on-street parking shortage in a heavily parked area to the detriment of local amenity and as a consequence would prejudice conditions of safety on the highway. The proposal would therefore be contrary to policy CP 5 of the Richmond upon Thames Core Strategy 2009 and policy DM TP 8 of the Richmond upon Thames Development Management Plan 2011.*

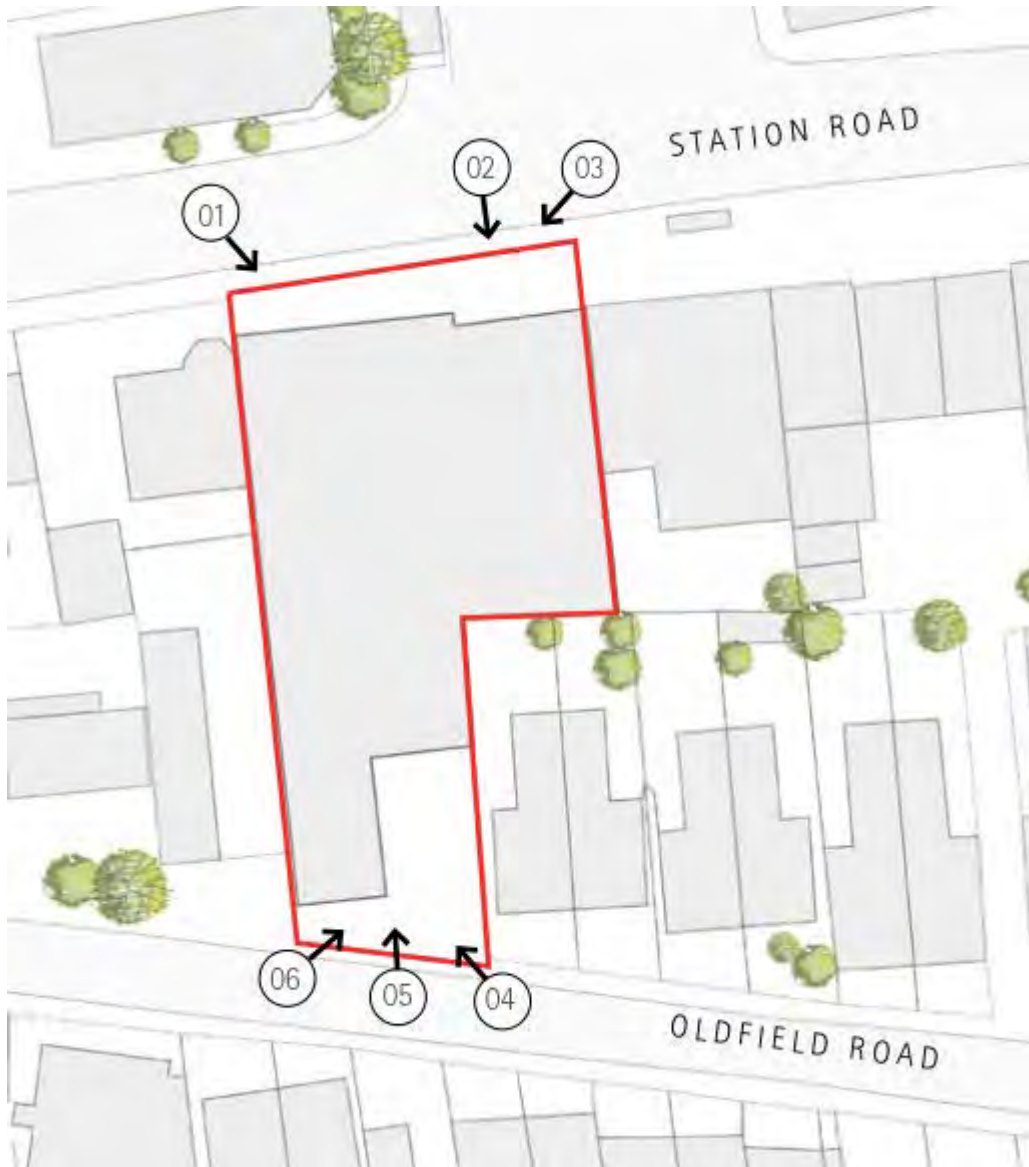
***Sustainability:** The proposal by reason of its failure to demonstrate that that the development would meet Code Level 3 of the Code for Sustainable Homes and compliance with the Council's Sustainability Checklist Supplementary Planning Document would be contrary to policy CP 1 of the Richmond upon Thames Core Strategy 2009 and policy DM SD 1 of the Richmond upon Thames Development Management Plan 2011.*

Proposal:

5. The proposed development is also described within the applicant Planning Statement and would comprise of the proposed demolition of 139-141 Station Road and 52-54 Oldfield Road, Hampton, and the comprehensive redevelopment to provide a total of 9 (nine) residential units and ground floor commercial use.
6. The proposal comprises the demolition of all of the existing built development currently on the site and its replacement with a single mixed-use block at the Station Road frontage and a further lower-level 2-storey mews development to the rear on the Oldfield Road frontage. The mixed-use block on the Station Road frontage would comprise a ground floor commercial unit in B1 c (Light Industrial) use, with 2 storeys of residential accommodation above, which comprises of 2 x 1-bed flats and 5 x 2-bed flats.
7. The ground floor commercial unit would comprise of circa 253 sqm, including back of house/ancillary areas. A passageway would run down the eastern side of the building at ground level, whilst still giving direct pedestrian access from the station, without requiring residents to access the site via Oldfield Road, via Percy Road to the west. The passageway would be gated at Station Road to ensure only residents can gain access to the proposed cycle store and to ensure it would not be used as a cut through from the station by other commuters.
8. The two-storey block to the rear, fronting Oldfield Road to the south and the access road to the east, would comprise of 2 x 2-bed mews houses with rooftop amenity space to serve these properties.
9. Car parking for the residential units would be provided to the rear of the Station Road block, accessed from Oldfield Road via a dedicated access road. Four parking bays, including one disabled access, are proposed to be located to the rear of the Station Road block, with a further three parallel bays located alongside the access road.
10. Additional parking of 3 spaces would be provided on street at Station Road, following the removal of the extensive dropped kerb and vehicle crossover, which currently serves the repair garage. An additional 2 bays would also be provided through reinstatement of the dropped kerb, in addition to the 2 new residential bays. It is advised that these could be used by local residents, commercial occupiers or small service vehicles.
11. Cycle parking is proposed to be provided for 16 cycles at the eastern boundary of the site, in a low-level secure cycle store. This could be accessed either from the rear, via Oldfield Road, or via a passageway down the eastern side of the building. This passageway would be gated and would also provide direct residential access as approached from the north.

12. Landscaping is proposed to be added throughout the site, including along the Oldfield Road frontage. The OS plan (below) demonstrates the extent of development which currently covers the site.

Site Plan



Public and other representations:

13. 21 Letters of objection from neighbours have been received, summarised as follows (full comments are available on the Council’s website/planning file).
14. The main concern raised (and in the majority of responses received) the only objection to the proposal is in relation to what is perceived/considered to be insufficient car-parking to serve the development, but other concerns raised could be summarised as:

Summarised:

- Application only minimally amends previous refused schemes.
- Rehash of previous proposals that have been refused
- Over dominant and results in significant overlooking/Privacy Issues

- Baffled by the desire to destroy existing MOT unit and replace it with another unit which would no doubt go empty.
 - Look and feel of the build inappropriate
 - Balconies are not a feature of the local area/out of place
 - Loss of daylight/sunlight, overbearing impact
 - Lack of car-parking available;
 - Would place additional strain on local car-parking
 - Increased traffic would increase risk of road accidents in locality;
 - Impact on daylight to neighbouring properties;
 - Noise and disturbance from construction
 - Footprint is too large and would dwarf surrounding buildings
 - Design and style out of keeping with local character;
 - Concerns about access being blocked to neighbouring businesses
 - Cannot understand the need for additional business space;
 - Design is bland and ugly;
 - Overdevelopment of the site;
 - Excessive massing and scaling
 - Lack of adequate landscaping;
 - Materials proposed are not appropriate
 - Does not adequately address previous objections
 - Insufficient parking on site
15. Councillor Gareth Roberts has requested that this matter is referred to the planning committee for consideration.

Professional comments:

16. The main planning considerations for this application include:

Principle of Development

17. The site comprises a car repair and MOT garage (Aldersons) and a period door and fireplace showroom/workshop (Peco). The existing units and workshop span between Station Road and Oldfield Road.
18. The proposal would provide a 3-storey building with approximately 253m² Ground Floor commercial unit (B1c – Light Industry) and residential above, with a further two residential dwellings sited fronting Oldfield Road. It is noted that the loss of the retail on the site has been accepted in recent appeal decisions. The existing B2 floorspace amounts to 180m² according to the Planning Statement.
19. The Principle of the development is assessed as follows, noting the planning history and the previous appeal decision in respect of 15/2134/OUT under appeal ref: APP/L5810/W/15/3137700.

Principle – Loss of Employment Land

20. Given that the current employment use on site comprises of an MOT garage, which is considered to fall within use class B2 (General Industrial), which is also within a mixed-use area, the primary consideration therefore, is the loss of industrial land in respect of Adopted Local Plan Policies LP40 and LP42 as referred to and also the NPPF.
21. Further, Policy 4.14 of the Adopted London Plan categorises LBRuT as Restricted Transfer of Industrial land to other uses. The draft London Plan is even more specific, placing Richmond in the Retain Capacity category for the management of industrial floor space capacity. Research for the Greater London Authority (GLA) indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041.

22. Policy LP 40 Employment and local economy states that the Council will support a diverse and strong local economy, noting the following principle:
- Land in employment use should be retained in employment use for business, industrial or storage purposes.
23. Policy LP 42 Industrial Land and Business Parks states that the borough has a very limited supply of industrial floorspace and demand for this type of land is high. Therefore, the Council will protect, and where possible enhance, the existing stock of industrial premises to meet local needs, noting at Part A:
- “Retention of industrial space*
- A. There is a presumption against 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:*
- 1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that 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; and then*
 - 2. A sequential approach to redevelopment or change of use is applied as follows:”*
- a. Redevelopment for office or alternative employment uses.*
 - b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.”*
24. Therefore, to ensure compliance with policy LP42 and GLA requirements to protect industrial floorspace, the proposed ground floor is proposed to be restricted to a B1c (Light Industry) type use. This is considered to be a suitable alternative employment use to the current B2 (General Industrial) use which allows for more unneighbourly types of industrial uses within this predominantly residential location, whilst ensuring an uplift in the quality and quantum of employment floorspace made available for new business. The unit proposed at ground floor would provide a significant quantum of employment, and an active frontage along the entire length of the main double site frontage.
25. The proposed scheme which has been amended from an earlier proposal as submitted would provide a commercial unit of 253 sqm B1c floorspace, which is in excess of the existing 180 sqm of employment floorspace associated with the existing garage use. The Policy (Land-use) team have been consulted and confirmed support for this proposal, given that it would provide well-located, flexible employment provision, suitable to meet modern business needs.
26. Separate access points to the building would be provided for commercial and residential users, which would mitigate concerns over conflict between these two user groups. The commercial element would have a continuous active frontage, comprising of 4 (four) glazed bays. As such, it would be easy to subdivide the commercial floorspace into smaller units to meet the requirements of business, with separate access points off Station Road, as necessary. This therefore accords with policy LP42 C in that it allows for the provision of flexible and adaptable space to meet the needs of local businesses.

27. There are no particular policy concerns/objection to having residential over light industrial in a mixed use and intensified scheme as modern light industrial uses are not necessarily more of a nuisance than gyms, shops or some offices, and mitigation can be conditioned such as sound proofing, and limits on hours of operation (see comments from Environmental Health).
28. Therefore, and also noting the content of previous appeal decisions in relation to this site which have endorsed alternative B1 c uses, there is policy support for the replacement of the existing industrial land with B1c light industry.
29. It is also acknowledged that Hampton Village is relatively unusual in having its shopping frontage spread out over several areas, rather than being in the form of the more common linear centre. It does not have one mixed use area boundary but several. Although this Area of Mixed Use (AMU) does not have a designated shopping frontage it is in a good location and is of course close to the main food store (Waitrose) in the centre and there are several other commercial uses on Station Road. Notwithstanding other policy considerations, a B1 c use would be generally acceptable, noting the site is situated within an Area of Mixed Use for the purposes of Policy LP25 and appropriate development within AMU's could include new 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.

Principle - Residential Use

30. Residential use can add to the vitality and viability in mixed use areas, provided a proposal secures an appropriate balance of uses for the location, does not have any negative impact on commercial uses and avoids potential conflict between uses such as entrances and servicing, to address Policy LP40 and LP42 of the Local Plan.
31. Policy LP35 of the Local Plan also encourages family housing outside of town centre locations, however, it is noted that the mix should be appropriate to the location. The proposal is for two dwellings and seven additional flats units, which, in an Area of Mixed Use and alongside commercial floorspace would be generally considered suitable to address the requirements of Policy LP35.
32. In summary and in consideration of the above, there is no in principle objection to the proposed addition of dwellings in this AMU location, given the proposal is in accordance with AMU policy for a mixed-use scheme.

Impact upon Character and Appearance

33. The National Planning Policy Framework advises good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
34. Local Plan Policy LP1 states that the Council will require all development to be of high architectural and urban design quality. The high-quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.
35. The site is not within but to the rear is directly adjacent to properties within the Hampton Village Conservation Area. Policy LP3 states that new development (or redevelopment) or other proposals should conserve and enhance the character and appearance of

conservation areas and seeks to preserve the special architectural or historic interest of listed buildings.

36. Furthermore, Policy LP39 states all infill development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours by;
- *Retaining plot widths and similar spacing between dwellings*
 - *Retaining appropriate garden space for adjacent dwellings*
 - *Respecting local context in terms of building heights*
 - *Enhance street frontage*
 - *Reflect materials and local character*
 - *Retain and re-provide important features important to character, appearance and wildlife e.g. trees and landscape*
 - *Result in no unacceptable adverse impacts on neighbours including loss of privacy*
 - *Provide adequate servicing, recycling, refuse and cycle storage*
 - *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicle access or car parking.*
37. The LPA also advised at pre-application stage that the proposed design of any future scheme should have regard to the abovementioned policies and the findings of the previously dismissed appeal *APP/L5810/W/15/3137700* (dated 01 April 2016), which assessed Character and Appearance. It should be noted that the most recently dismissed Appeal (*16/3097/OUT / APP/L5810/W/16/3163458*) did not consider Character and Appearance as this was a reserved matter.
38. The existing buildings on site are not considered to contribute positively to the area more generally. As such, no general objection is raised to their demolition and redevelopment on design and character grounds.
- Station Road Elevation*
39. It is noted that the Station Road elevation is situated adjacent the Hampton Village Conservation Area and proposals should contribute positively to the surrounding area by being inclusive, respecting local character, including the nature of the street, in accordance with Policies LP1, LP3 and LP39 of the Local Plan.
40. In relation to the design of the proposed development; in terms of size and scale, the form and massing on this frontage are generally considered to be acceptable and to relate to the scale and form of neighbouring mixed-use developments fronting Station Road. The infilling of this large and unattractive gap in the street scene would provide a significant visual benefit and uplift to the area and adjoining Conservation Area, strengthening the frontage of Station Road and creating a stronger urban grain and also creating green space to the rear when viewed from Oldfield Road.

Current view from Station road



41. The proposed design would enhance the character of the area and is considered to show a clear understanding of the local vernacular. High quality materials would be used in the construction of the development.
42. In accordance with policy LP39, the Station Road frontage picks up on the gabled frontage of neighbouring buildings to either side, also retaining the ridge height of the adjoining building to the east. The off-centre ridges would add visual interest and reflect the industrial character of the site, whilst also providing for a better relationship with the residential building to the west.
43. In contrast to the building to the east, which presents as a relatively flat and uninteresting frontage, the proposed scheme includes brick corbelling, projecting window surrounds and other accentuated features which will add interest and quality.
44. Therefore, there is generally no objection in principle to the scale and height of development on this frontage. Urban Design Officers have been consulted and consider the proposed use of:

“A more symmetrical gabled roof form could be more in keeping with the surrounding townscape, however given the mixture of roof form in the local area, the roof form shown is considered to be acceptable.”
45. The images below demonstrate the front elevation in context as they would appear from the Station Road elevation:



46. It is also acknowledged that an alternative gable feature would add significant bulk to the building. There is no generic frontage to Station Road and when assessing this as part of a planning balance (which seeks the provision of good quality living conditions, including amenity space for the proposed flats), which the proposed roof form enables more efficient use of the land.
47. Given the three-storey and significant size and scale of the frontage building the design and fenestration would be required to be of the highest quality to soften the impact of such a large building and to create visual interest. It is considered that the proposed design would successfully achieve this. The variation of window of narrower and projecting windows styles and the proposed use of the glazing has a direct relationship with the architectural styles found in the area. The proposed design and fenestration is

considered to create sufficient visual relief and visual interest that would relate well to the surrounding area and established pattern of development.

48. The main construction material will be brick, in line with surrounding properties, albeit a higher quality brick than used on the neighbouring property to the east and the use of appropriate and the variation in the fenestration is considered acceptable and in accordance with policy LP1 as it relates to the Station Road frontage.

Oldfield Road Elevation

49. The layout submitted would provide a two-storey 'mews-like' layout, orientated towards the flank elevation facing onto the side of 50 Oldfield Road, closest the Oldfield Road Elevation. Within the previous appeal *APP/L5810/W/15/3137700* (dated 01 April 2016), the Inspector identified that there may be merit in removing the existing workshop and storage. However, it was found that the views toward the application site from Oldfield Road and the adjoining conservation area required improvement. It is noted that the Inspector outlined that a vehicular crossover arrangement across most of the frontage, end-on parking, refuse storage and hard standing for most of the area running into the site from this direction would not be acceptable for Oldfield Road, which is described as, "...an attractive residential suburban street".
50. The most recently refused scheme and subsequently dismissed appeal (16/3097/OUT / APP/L5810/W/16/3163458) addressed these concerns by proposing a pair of semi-detached dwellings to the Oldfield Road frontage to relate to the existing residential vernacular of Oldfield Road. This proposed application has sought to directly address this. Concerns were expressed about the rear mews building and its potential impact on number 50 Oldfield Road, which neighbours the site to the east.
51. The concern was that the bulk of the building would create an unacceptable sense of enclosure and loss of privacy, in relation to its relationship with number 50 Oldfield Road. To address this, the first-floor element of the rear house has been set in from the eastern boundary, increasing outlook from the rear of number 50 and moving windows away from this neighbouring property. As a result of this, the roof terraces have also been reduced in size and set away from boundaries, to eliminate the potential for unacceptable overlooking. Planting in pots at roof level would also provide improved visual amenity.
52. Other changes to the mews block include a 'front' access off Oldfield Road, including an access gate and path through the frontage amenity space, in line with the front gardens of the neighbouring properties at 48-50 Oldfield Road. The southern elevation windows have also been amended from previous iterations so that they would be more in keeping with those of their neighbours to the east, whilst the first-floor eastern elevation windows have been obscured where necessary to eliminate the potential to overlook number 50 Oldfield Road. The rooftop access has also been amended to eliminate previous concerns about this additional development bulk and thus impact on the character of the area and neighbouring properties.



53. The existing building is of no architectural merit and in a poor state of repair, so its replacement with an attractive mews building would be a significant improvement and more in keeping with the character of the residential area and neighbouring Conservation Area. The design of the building, particularly the rear elevation to fit well with the style of the neighbouring Hampton Village Conservation Area and the design has addressed neighbouring amenity so as not to result in an overbearing impact for these neighbouring residents facing directly onto the rear gardens of 48-50 Oldfield road, The indicated layout is considered to be acceptable and would read in context with other properties along Oldfield Road when viewed from the rear. Urban design Officers have been consulted and confirmed their opinion that the:

“Building on Oldfield Road - design acceptable”

54. The residential development grain of Oldfield Road is dominated by dwellings featuring pitched roofs and front gardens, which the application seeks to address. The proposed layout would produce a significant level of hard and soft landscaping running into the site from this direction and as such it is considered that the proposed relationship would both preserve and considerably enhance the setting of the adjoining Conservation Area. It is therefore considered that such a layout would adequately address previous concerns raised in accordance with Policy LP1, LP3 and Policy LP39 in directly addressing and responding to the surrounding built form.

Impact upon Amenities of Neighbouring Occupiers

55. Policy LP8 outlines that in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.

56. It is noted that the adjacent residential dwellings fronting Station Road do not feature any windows within their flank elevations serving habitable rooms.

Daylight/Sunlight

57. In this respect, a Daylight and Sunlight report has been submitted by the applicant prepared by specialist daylight consultants GLHearn confirming that daylight and sunlight availability to neighbouring residential properties to the rear of the site at 56 Oldfield road and 48-50 Oldfield Road and the nearest property to the west frontage of the proposed development at 145 Station Road and to the north of the site at Blenholme court would satisfy British Research Establishment's (BRE) recommended values and occupiers would not be unduly harmed.
58. This assessment has been carried out in accordance with the BRE 'Site layout planning for daylight and sunlight' which sets out guidance on site layout to provide safeguarding of daylight and sunlight within existing buildings nearby. The assessment applies Vertical Sky Component (VSC) tests which measures the amount of available daylight from the sky received at a particular window and Average Daylight Factor (ADF) tests that calculates the area at a working plane level inside a room that will have a direct view of the sky.
59. The submitted report demonstrates that the majority of surrounding properties pass the initial 25-degree line test so there is no requirement for further assessment of these. Those properties assessed within the report comprise of 56 Oldfield Road, 46-50 Oldfield Road, 145 Station Road and Blenholme Court, Station Road. In relation to 56 Oldfield Road, it is confirmed that all windows would comply with BRE standards. Likewise, sunlight hours are also in line with BRE requirements. At 46-50 Oldfield Road, all windows comply with BRE standards and given the window orientation on these properties, there is no requirement for sunlight amenity assessment. This is the same situation at 145 Station Road and Blenholme Court, where internal light levels would be in compliance with BRE standards.
60. The report concludes that the development would not materially affect the daylight and sunlight amenity received by the nearest neighbouring properties when assessed against the guidelines. The LPA has no reason or basis to dispute the findings of this report and therefore there are no objections to the proposals on the grounds that they would cause undue loss of sunlight or daylight to neighbouring residents.

Outlook/Privacy

61. The scale of the redevelopment scheme has addressed previous concerns regarding its impact upon neighbouring amenity, particularly in relation to concerns raised by the LPA about the potential for a substantial increase in the actual and perceived overlooking from the proposed building to the gardens either side of the development, in particular at 50 Oldfield Road who would be faced with a significant increase in built form from the existing situation.
62. The ridge height of the scheme has been reduced from this earlier appeal scheme and is in line with the most recent appeal scheme for 16/3097/OUT. This element was agreed through the previous appeal and adhered to in this current submission, matching the ridge height of the neighbouring building to the east.
63. The ground floor would be set well back from the southern boundary when compared with the earlier appeal scheme, which extended right up to the boundary fence with 48/50 Oldfield Road. Whilst the first and second floors step out at the centre of the building, they predominantly follow the rear building line of the adjoining block to the east, which also provides two storeys of residential accommodation above the ground

floor commercial use. This is the natural line to follow and was agreed as part of the neighbouring approval.

64. Residents at 48/50 Oldfield Road have benefitted from low rise development on the site to the north and thus views across the site, however this is an unusual situation for a built-up area, characterised by 3 and 4 storey buildings and does not preclude the redevelopment of this site to be more in keeping with the surroundings. The roof terraces are well set in and in the case of the front flats enclosed by the roof form. Details of privacy screening could be request by condition, but there are no significant concerns about undue overlooking or loss of privacy arising from the proposal. The relationship between the proposed development and the surrounding built form is clearly demonstrated below:

3D Aerial view



65. Notwithstanding this, the demolition of the existing 2-storey building on the western boundary and its replacement with a smaller structure would improve outlook and openness as viewed from 50 Oldfield Road.
66. The redevelopment of the site would remove the ad hoc built development from the site which currently extends right up to the boundary with 48/50 Oldfield Road, greatly improving the relationship between the two sites and improving the outlook for residents to the south and on the opposite side of the road.
67. In line with the character of the area, 3 storey development fronting Station Road is appropriate and wall to wall separation distances of 13m to the rear, between the new building and 48/50 Oldfield Road is both typical and acceptable in this built up area.
68. Properties to the south on Oldfield Road include projecting rear elements, however none of the closest properties (44, 46, 48 and 50 Oldfield Road) have windows above ground level facing the development site. The nearest property with a first-floor rear window is some 28 metres away. Rear terrace areas serving flats in the Station Road block include balustrading as necessary to increase distances between residents and neighbouring windows and remove potential overlooking as far as possible. Whilst the closer properties on Oldfield Road have rear windows to the main body of the house, the closest of these are over 19m away from the rear elevation of the proposed Station

Road block. In regard to the mews building fronting Oldfield Road, this sits on the footprint of the existing workshop/warehouse building, but extends a smaller distance to the rear, towards Station Road when compared with the existing.

69. There is only one small rear (north) elevation window in the rear mews block, serving a first- floor bedroom, thus minimising overlooking between the Station Road and Oldfield Road blocks. Any window to window relationship occurs between bedrooms and at a distance. This is further mitigated against by the small size of these rear windows.
70. The proposed roof terrace serving the 2 mews properties would be balustraded and set back from the edge of the building, ensuring users will not be able to look down into neighbouring gardens or windows.
71. The windows in the eastern elevation of the mews building would be separated the neighbouring garden to the east at 50 Oldfield Road by the intervening access road and obscure glazed where necessary, to ensure no overlooking. This essentially reflects the relationship between the existing semi-detached properties to the east.

Current view of site from Oldfield Lane



72. In terms of the scale of development at Oldfield Road, as viewed from the public realm, this is generally in line with the existing building, but would be of a much more attractive and in-keeping design. The removal of the other buildings on site and the unattractive storage uses in the yard area will significantly improve the character and appearance of the site, as well as improving outlook and amenity impact for neighbouring residents.
73. The proposal site lies outside of the Conservation Area and there is a clear change in built character on the northern side of Oldfield Road, between the neighbouring properties to the east (in the conservation area) and those to the west (outside the conservation area). As such, the proposal does not seek to mimic the semi-detached properties to the east, as other schemes had done, rather provides an appropriately sized, high quality, contemporary mews building, which allows for landscaping and access to a parking area, but which takes design cues and lines from the neighbouring buildings.

74. The scheme has been informed by concerns raised over previous refused schemes and comments received following withdrawal of the most recent proposals and has responded positively to these matters. Whereas there would be a change of view for properties surrounding the site with a building of greater height than the existing buildings, the planning system cannot protect specific views from private properties (unless these are strategically important) but can only consider whether a proposed development is intrusive or overbearing to the outlook of a property, particularly residential properties, due to the massing and proximity of a proposal, and whether this would cause demonstrable harm to the amenity of the property.
75. Concerns have been raised from the adjacent semi-detached dwellings at no. 48-52 Oldfield Road at pre-application stage, due to concerns that the proposal could potentially give rise to increased opportunities for overlooking toward these dwellings and their rear gardens, which this application has directly addressed.
76. In relation to neighbouring gardens in particular the proposed rear balconies which would be enclosed in privacy screens, the proposed development is considered to have adequately addressed concerns result in relation to visual dominance, overbearing and a direct loss of privacy when viewed from the rear gardens of neighbouring properties in accordance with policy LP1 and LP8.

Highways and Parking

77. Policy LP44 and LP45 of the LP (2018) states that it is necessary to consider the impact of any new development on the existing wider and local transport network and that development will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. The maximum parking standards contained within Appendix 3 of the Adopted Local Plan will be expected to be met, unless it can be shown that in proposing levels of parking applicants can demonstrate that there would be no adverse impact on the area in terms of street scene or on-street parking. This is suggested to be one spaces for 1 and 2-bedroom houses and flats in areas of PTAL 0-3.
78. Policy 6.13 of the London Plan states that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 car parking space per unit. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
79. Policy LP44 also seeks the provision of appropriate cycle access and sufficient, secure cycle parking facilities. The minimum cycle parking requirement for 1-2 bed units is 1 space.
80. The Highways and Parking impacts of the development have been assessed as:

Servicing of the Site

81. This application is a reiteration of a previous application that was withdrawn in September 2018 (Ref: 18/2695/FUL). The Transport Officer raised an objection to the previous servicing of the site because the applicant had not at that time demonstrated that fire tenders and ambulances could get safe access to the rear of the development via Oldfield Road.
82. The applicant has responded, in this revised application, so that fire tenders can service the offices and flats in the northern part of the development via Station Road. It should be noted that Station Road is an unclassified urban road that is not part of a controlled

parking zone (CPZ). It has a carriageway width of 6.5m and there is scope for vehicles to park on the southern side of the road. Therefore, Transport Officers agree with the information that has been provided that the flats and offices within this proposed development can be adequately serviced from Station Road.

83. The access road has a carriageway of 3m in width and 22m in length. There is a distance of 20m between the proposed vehicular cross-over on Oldfield Road and the Mews house that is furthest north. The Mews houses would be two storeys in height and around 6m or less in height. Therefore, these dwellings could be serviced by a fire tender from Oldfield Road. Accordingly, Transport Officers have confirmed they have no objection to the proposal on these grounds.
84. The carriageway on the proposed access would be of a sufficient width and the turning area sufficiently large for larger vehicles to be able to service the site safely and the applicant has also provided vehicle tracking analysis which shows that a Light Goods Vehicle (LGV), the type of vehicle most likely to service the site off of the mainline carriageways, of 5.9m in length and 2m in width can enter the site, from Oldfield Road, in reverse gear and exit in forward gear, or vice versa.
85. Oldfield Road, on the stretch immediately south of the proposed access, has a carriageway width of 5m, is one way in a westerly direction for motor vehicles, and motorists generally park on the southern side of the carriageway. Due to the dimensions of the proposed access road and turning area, it is likely that service vehicles would be unable to turn within the site. Although this is not ideal, Oldfield Road is a lightly trafficked residential road, and paragraph 6.8.1 of Manual for Streets states that:

“The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. On streets with low traffic flows and speeds, it may be assumed that they will be able to use the full width of the carriageway to manoeuvre. Larger vehicles which are only expected to use a street infrequently, such as pantechnicons, need not be fully accommodated - designers could assume that they will have to reverse or undertake multipoint turns to turn around for the relatively small number of times they will require access.”

86. Therefore, taking this into consideration the applicants have demonstrated adequate servicing and Transport Officers have confirmed that they would be satisfied that, as shown on Drawing No. 6034 (20) 100 refuse can be collected from the highway on Oldfield Road for residents and that a private contractor can enter the site with an LGV to collect commercial refuse.

Traffic Generation

87. Transport officers accept the applicant's conclusion that the traffic impact of this development would not be severe on the local road network.
88. The applicant has demonstrated that they are able to provide an appropriate level of car-parking and they have also provided sufficient cycle parking in accordance with the current London Plan. Transport Officers have confirmed the proposed car-parking and cycle-parking is acceptable.

Vehicular Parking

89. The applicant has demonstrated that they are able to provide an appropriate level of car-parking and they have also provided sufficient cycle parking in accordance with the current London Plan. Transport Officers have confirmed the proposed car-parking and cycle-parking is acceptable. Parking provision of 1 space per residential unit is provided for the flats and the mews houses, in line with the Councils maximum standards. 6 of

these spaces are to be provided on site (including 1 electric charging bay and one passive bay and 1 disabled bay) and 3 spaces will be provided on street in place of the existing crossover.

90. The applicant proposes 6 allocated spaces for 9 residential dwellings. The two-bedroomed houses would be allocated one space each, which is in accordance with the current Local Plan, and one space each appears to have been allocated to, 4 out of the 7 remaining two-bed flats. Although this leaves a marginal shortfall of three vehicular parking spaces against Policy LP45, the applicant has demonstrated in their Parking Beat Survey, that there is capacity on surrounding nearby roads to accommodate this.
91. The London Plan states that one vehicular parking space should be provided per 100-600m² of B1 Gross Internal Area floorspace. Given the location of the site, and the fact that the area is not, currently in a Controlled Parking Zone, this aspect of the development should be car-free.
92. Therefore, if the application were to be supported, it would be necessary to enter into an agreement with the Local Highway Authority which states that, in the event of Station Road and/or Oldfield Road becoming part of a Controlled Parking Zone (CPZ) in the future, residents of and employees working at this development will not be eligible for employee or residential vehicular parking permits. This is usually controlled by an appropriate Grampian condition.

Cycle Parking

93. To meet standards within the Mayor's Transport Plan for London, the proposal has provided a total of 16 sheltered cycle Parking spaces. This has been clearly demonstrated. The Sheffield stands to the east of plots 1 and 2 would need to be sheltered and secure to make owning a bike attractive to ensure opportunities for travel by sustainable modes are maximised in accordance with the NPPF.

Pedestrian Access

94. Pedestrians would be able to access the flats and the office space via a gated access and a 1.2m wide access way from Station Road. This would be wide enough to accommodate wheelchair users. The access road north of Oldfield Road is 3.1m wide and 22m long. Although there are no specified footways or cycleways, the distance is short enough and forward visibility good enough in both directions to enable motorists to slow down and wait in the turning area or to drive slowly behind pedestrians and cyclists for this short distance. Vehicular flows on the access road will be low so the risk of collision between motor vehicles is considered to be low.

Construction/Demolition Traffic Management Plan

95. Provided that large vehicles (HGVs) access the site via the southern side of Station Road and the use of Oldfield Road is restricted to smaller vans and cars, Transport Officers have raised no objection to the proposals. Large deliveries to and collections from the site would be made during the hours of 09.30 and 15.30 on weekdays to minimise disruption on the peak hours.

Affordable Housing

96. Local Plan Policy LP36 states some form of affordable housing contribution will be expected on all new housing sites. The Council will seek the maximum reasonable amount of affordable housing when negotiating on private residential schemes, further details are set out in the Affordable Housing SPD.
97. A financial viability assessment (by HEDC) has been submitted with the application, demonstrating that it would not be financially viable to provide for affordable housing on

site, nor a financial contribution. It has been necessary for a review to be undertaken by the Council's assessors to ensure that the assumptions and values are appropriate. The outcome of such a review is necessary for the Council to be satisfied that the maximum financial contribution towards off site provision can be made, or that no contribution is viable, to accord with Policy LP36. A review was undertaken by the Council's assessors (Bespoke) (January 2019) which found the proposed scheme is not viable and could not provide an affordable housing contribution and the assessment confirms that the Residual Land Value, at £1.454m, falls significantly below the Existing Use Value of £1.9m. As such, it would not be financially viable to provide for affordable housing on site, nor a financial contribution towards the same.

98. A nil contribution is therefore in accordance with Policy LP36.

Housing mix and residential living standards

99. The standards set out in Policy LP 35 (B) and the Residential Development Standards SPD are required to be addressed. Since 1 October 2015 the Council also applies the Nationally Described Space Standard (NDSS) in the assessment of development proposals, which can be found at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

100. The Council encourages a minimum ceiling height of 2.5m for at least 75% of the gross internal area to address overheating and ensure appropriate ventilation and daylight; however, the nationally described space standard states the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. Any area with headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage.

101. The proposed residential element comprises of 2 x 1 bed flats and 5 x 2 bed flats in the residential above the commercial floorspace, plus 2 x 2 bed mews houses to the rear of the site closest to Oldfield Lane. The requirements of Adopted Policy LP35 (C and D) and the Residential Development Standards SPD apply to external amenity space and removed the previous prescriptive private amenity space standards in LP35 (C) to ensure flexibility in implementation and set out that regard should be had to the Residential Development Standards SPD as appropriate. The current Residential Development Standards SPD was adopted in March 2010 and only sets out general guidance on amenity space, seeking a minimum of 5 sqm of private outdoor space for 1-2-person dwellings plus an extra 1 sqm should be provided for each additional occupant, it does not specify different amenity space standards for houses. The houses proposed are now provided with roof terrace gardens, and according to the Planning Statement five out of the seven flats are provided with amenity space - with balcony spaces. This enhanced provision is supported by LP35, Policy LP35 (E) sets out that all new housing would be expected to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings'. M4(2) requires step free access and could not be met in upper floor flats, which could only be to M4(1). The Planning Statement states the northernmost mews unit is suitable for a wheelchair user that could be to M4(3) wheelchair 'adaptable' and the southernmost mews unit should be suitable for M4(2). This would be secured by condition.

102. The proposed housing mix and living standards did not form a reason for refusal of the original scheme under ref: 15/5376/FUL and it is accepted a mixed-use scheme is appropriate in this AMU mixed-use location, as is the proposed housing mix. All of the proposed residential units would meet the required standards, with habitable rooms provided with suitable levels of light and outlook. Therefore, it has been adequately demonstrated that all the units would accord with the aforementioned standards in

producing a suitable standard of residential accommodation of an acceptable quality of for its future residents, in accordance with policy LP 35 of the LP (2018).

Trees, Landscaping and Ecology

103. LP15 states all developments will be required to enhance existing and incorporate new biodiversity features and habitats to attract wildlife and promote biodiversity. Policy LP16 of the LP (2018) encourages the planting of trees, particularly in areas designated by the Proposals Map where planting is most needed.
104. The application site is situated within a built-up town centre location, sited adjacent to a large commercial building and hotel to the west, the railway tracks and Hampton Railway Station to the immediate north and residential dwellings to the west and east. There are no TPO's affecting this location and the site itself is covered in hardstanding and buildings.
105. Given the urbanised nature of the site, there are no ecological features on the site that require assessment and protection. The proposal includes the provision of hard and soft landscaping, which if done well significantly improve and soften the appearance of the area. Therefore, the proposed scheme has potential to significantly improve the appearance of the site. A condition requiring full details of the hard/soft landscaping is suggested, together with details of security/external lighting

Environmental Health (Noise and disturbance)

106. National Planning Policy Framework (NPPF) 2012- Pollution Control Requirements:
- To prevent unacceptable risks from pollution new development must be appropriate for its location and the effects of pollution on the amenity mitigated to an acceptable level.
 - Avoid noise from giving rise to significant adverse impacts on health and quality of life because of new development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
107. There is potential for loss of amenity to new occupiers of the proposed development and existing local residents due the following pollution issues;
- Noise impact from external transportation noise sources such as rail, aircraft and road traffic on the proposed residential development
 - Noise transmission from the proposed commercial units to residential units which are structurally adjoining.
 - Noise from mechanical services plant including heating, ventilation and air conditioning (HVAC) the proposed development affecting existing residential properties in the vicinity of the proposed development.
108. The application is accompanied by an Acoustic report by Sharps Redmoor. Environmental Health have been consulted and advised that they do not have any in principal objections to the proposed development subject to the following conditions being implemented:
- The sound insulation and ventilation scheme being installed in strict accordance with the details provided in the acoustic report submitted by Sharps Redmoor reference 1817736 dated 25th July 2018 and being retained as approved.
 - Any mechanical services plant installed as part of the development hereby permitted shall achieve the plant noise limiting criteria detailed in the acoustic report submitted by Sharps Redmoor reference 1817736 dated 25th July 2018. The scheme shall thereafter be retained as approved.

Sustainability

109. Policy LP22 requires that all development that results in a new residential dwelling should achieve a 35% reduction in CO₂ emissions over Building Regulations (2013), with 20% of reductions coming from renewable energy sources; should meet national water standards of 110 l/p/d; and should submit an energy statement and Sustainable Construction Checklist.
110. The application has been supported by an Energy statement, Bream pre-assessment for the non-residential element and sustainability checklist which provides details of various measures and the be lean, clean and green hierarchy, as well as a list of passive measures included, including improved thermal performance and energy efficient lighting. ground source heat pumps and photovoltaics cells have been confirmed as the most suitable energy strategy. The report advises that total carbon dioxide savings would amount to 36.27% for the residential element and 41.4% for the commercial element. This amounts to a saving of 37.58%, more than the policy requirements of 35% as detailed within policy LP22. As such the application as submitted would be generally acceptable in energy and sustainable terms and suitable conditions in this regard would have been applied if the application were being recommended for approval.

Surface water Drainage Strategy

111. The proposed development would result in a change of use of the site. Because of this, surface water run-off volumes and rates could change. The applicant must submit a surface water drainage strategy which demonstrates that sustainable urban drainage principles have been followed wherever possible and demonstrates that any risk of surface water flooding can be mitigated and managed on site in accordance with the National Planning Policy Framework.
112. This is normally be addressed by an appropriate planning condition.

113. Land contamination

114. The Councils Contaminated Land expert has reviewed the application and records indicate that the site and surrounding area has been subject to former potentially contaminative land uses including garage services with tanks and an engineering works. Given the sensitivity of the proposed development recommend that the standard contaminated land condition DV29F would need to be applied to any planning permission granted.

Community Infrastructure Levy (CIL)

115. The site is liable for CIL, charged at the Higher Band for Borough CIL and Mayoral.

The application is therefore recommended for **PERMISSION subject to conditions and informatives:**

Standard Conditions:

- AT01 - Development begun within 3 years
DV48 - Approved Plans #6034 - Accommodation schedule - Rev H, 6034 (00) 000 - Site Location Plan - Rev P3, 6034 (20) 100 - Proposed Ground Floor Plan - Rev P3, 6034 (20) 101 - Proposed First Floor Plan - Rev P3, 6034 (20) 102 - Proposed Second Floor Plan - Rev P3, 6034 (20) 103 - Proposed Roof Plan - Rev P3, 6034 (20) 110 - Proposed Ground Floor Plan - Comparison - Rev P3, 6034 (20) 111 - Proposed First Floor Plan - Comparison - Rev P3, 6034 (20) 112 -

Proposed Second Floor Plan - Comparison - Rev P3, 6034 (20) 113 - Proposed Roof Plan - Comparison - Rev P3, 6034 (20) 401 - Proposed Front Elevation AA - P3_low res, 6034 (20) 402 - Proposed Rear Elevation BB - Rev P3, 6034 (20) 403 - Proposed Elevations CC and DD - Rev P3, 6034 (20) 404 - Proposed Elevations EE and FF - Rev P3, 6034 (20) 405 - Proposed Sections GG HH - Rev P3, 6034 (20) 406 - Proposed Front Bay Elevation - P3_low res, 6034 (20) 412 - Proposed Rear Elevation BB - Comparison - Rev P3, 6034 (20) 413 - Proposed Elevations CC and DD - Comparison - Rev P3~

- DV02 - Boundary Fencing – Dev't commence
- DV18A - Refuse arrangements
- DV19A - Parking-Private Vehicles-Commercial
- DV28 - Details of security lighting/External Illumination
- DV29F - Contaminated Land
- DV30 - Refuse Storage
- DV43B - Parking Permits Restriction - GRAMPIAN
- DV46A - BREEAM for NON-Housing
- DV49 - Construction Method Statement
- DV50 - Energy Reduction
- DV51 - Water Consumption
- GD02A - Restriction-Alterations/extn
- GD10A - Restrict Outbuildings
- PK06A - Cycle Parking

Non-Standard Conditions:

- NS01 - Use
 The business units shall be used only for/as B1c (Light industry); and for no other purpose; as specified in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision revoking or re-enacting that order.
 REASON: To safeguard the amenities of nearby occupiers and the area generally.

- NS02 - Building Regulations M4(2)
 The two residential houses hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).
 REASON: In the interest of inclusive access in accordance with Policy CP14 to ensure homes to meet diverse and changing needs.

- NS03 - Sustainable Drainage
 The development hereby permitted, other than demolition shall not commence until such time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained as approved.
 REASON: In the interest of sustainable construction, to avoid excessive surface water runoff and to ensure that the surface water drainage system does not pollute the ground water below the site.

- NS04 - Privacy screening to terrace
 Notwithstanding the approved plans, full details of a minimum 1.7 metre high privacy screen to the private balconies and roof terrace serving the development shall be submitted to and approved in writing by the Local Planning Authority The privacy screen shall be erected in accordance with the approved details prior to the first occupation of the residential element.
 REASON: To protect the privacy of neighbours and prevent overlooking.

- NS05 - Parking Layout
The car parking layout (6no. car parking bays) as shown on drawing no. 6034 (20) 100 P2 shall be implemented in full prior to first occupation of any of the residential/commercial properties hereby approved.
REASON: To ensure the development does not have an adverse impact on local traffic and parking conditions, and to accord with policy 6.13 of the London Plan.
- NS06 - Hard and Soft Landscaping
A) No development shall take place, other than demolition until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority such details to include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); the specification is to include details of the quantity, size, species, position, planting methodology, proposed time of planting and anticipated routine maintenance of all soft landscaping. Any proposed tree planting should be undertaken in accordance with section 5.6 of British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

B) All tree/plant/shrub planting included within the approved specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, , Nursery Stock, Specification for trees and shrubs, and 4, , Specification for forest trees); BS 4043 Transplanting root-balled trees; and BS 4428, Code of practice for general landscape operations (excluding hard surfaces).

C) All soft landscaping works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation.
- NS07 - Construction details/materials
The external surfaces of the buildings (including fenestration, masonry and brickwork, bonding pattern, window and door recesses shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the proposed development does not prejudice the appearance of the locality
- NS08 - Permitted Sound Insulation and Ventilation Scheme
The proposed sound insulation and ventilation scheme hereby permitted shall be installed in strict accordance with the details provided in the acoustic report submitted by Sharps Redmoor reference 1817736 dated 25th July 2018 and being retained as approved. The scheme shall thereafter be retained as approved.
REASON: To protect to the living conditions of future occupants and ensure that the development does not adversely impact the amenities enjoyed by neighbouring occupants.

- NS09 - Permitted Commercial Unit Mechanical Services Plant Scheme
The commercial units mechanical services plant hereby permitted shall be installed in strict accordance with the details provided in the acoustic report submitted by Sharps Redmoor reference 1817736 dated 25th July 2018. The scheme shall thereafter be retained as approved.

REASON: To protect to the living conditions of future occupants and ensure that the development does not adversely impact the amenities enjoyed by neighbouring occupants.

Standard Informatives:

- COMH06- Composite Informative
IH03B - Vehicular crossover
IM13 - Street numbering
IL24 - CIL liable
IL25A - NPPF APPROVAL - Para. 186 and 187
IL29 - Construction Management Statement
IL02 - Advertisements

Non-Standard Informative

- NS01 - S278 Agreement

Application reference: 18/1808/FUL TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
29.05.2018	01.06.2018	27.07.2018 20/11/18	27.07.2018

Site:

12 - 14 Church Lane, Teddington, ,

Proposal:

Demolition of existing building in Use Class B8 (storage and distribution) and change of use of land to C3 (residential) use. Erection of a part two storey part single storey building to provide 4 bed (4B8P) dwellinghouse with associated parking, hard and soft landscaping, green roof, cycle and refuse stores.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Stuart & Mrs Jennifer McGeoch
235 W
25th Street
Houston
TX 77008

AGENT NAME

Mr Simon Knox
69 Choumert Road
London
SE15 8AR

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

LBRUT Transport
14D Urban D
LBRuT Trees Preservation Officer (North)
14D POL
LBRUT Environmental Health Contaminated Land

Expiry Date

18.06.2018
18.06.2018
18.06.2018
18.06.2018
18.06.2018

Neighbours:

29 Church Lane, Teddington, TW11 8PA, - 04.06.2018
27 Church Lane, Teddington, TW11 8PA, - 04.06.2018
17 Church Lane, Teddington, TW11 8PA, - 04.06.2018
15 Church Lane, Teddington, TW11 8PA, - 04.06.2018
31 Church Lane, Teddington, TW11 8PA, - 04.06.2018
25 Church Lane, Teddington, TW11 8PA, - 04.06.2018
23 Church Lane, Teddington, TW11 8PA, - 04.06.2018
21 Church Lane, Teddington, TW11 8PA, - 04.06.2018
10 Bychurch End, Teddington, TW11 8PS, - 04.06.2018
8 Bychurch End, Teddington, TW11 8PS, - 04.06.2018
11 Bychurch End, Teddington, TW11 8PS, - 04.06.2018
9 Bychurch End, Teddington, TW11 8PS, - 04.06.2018
7 Bychurch End, Teddington, TW11 8PS, - 04.06.2018
Mecro Ltd, Church Lane, Teddington, TW11 8PA, - 04.06.2018
12 Church Lane, Teddington, TW11 8PA, - 04.06.2018
19 Church Lane, Teddington, TW11 8PA, - 04.06.2018
16 Church Lane, Teddington, TW11 8PA, - 04.06.2018

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Site, proposal and history:

Church Lane is an L-shaped narrow cul de sac accessed from Church Road. The part of the road nearest the junction and running west – east contains mainly commercial uses, although there are several houses. The second part of the road running north – south is entirely residential apart from the application site. The site is triangular and some 450 sq m in area. Adjoining to the south is an end of terrace two storey house, No 16. The adjoining property to the north is a two storey building used as offices, 10 Church Lane. To the rear is a three storey block of flats containing 9 – 16 Bychurch End. On the opposite side of the road are terraced two storey houses. There are no specific planning restrictions on the site, but there is a recent Tree Preservation Order on a Sycamore tree which is in Bychurch End and close to the site boundary.

The site has been in commercial use for many years, taking the form of a single storey flat roofed building which covers almost the entire site. There is wall of approximately 2.5m enclosing the site. It has been used as a dairy and for car repairs in the past and is currently used for storage. Planning applications in the late 1980s for a two storey office building were refused by the Council and one was dismissed on appeal (Refs 88/1892 and 89/0576). The appeal dismissal was based on the design being out of character, excessive parking areas and minimal soft landscaping, loss of privacy to houses on the opposite side of Church Lane due to likely extensive daytime use, insufficient parking provision and an inadequate parking layout.

In 2013 an application was made for three two-storey houses with pitched roofs. One would have three bedrooms and the others two. Two parking spaces were provided for the three bed house and one each for the other two. This application required various amendments and additional information, however it was initially recommended for approval at Planning Committee in March 2016. However, it was brought to attention that maneuvering into and out of the parking spaces would not be possible in this narrow road and the application was never considered by the Committee. This problem could not be resolved and the application was withdrawn.

This new application, following pre-application advice, is for a single 4-bed dwelling which would be mainly on the ground floor, with a first floor element. A garage and a forecourt parking space are included as are three separate courtyard garden areas.

View from south east (railway bridge)



View from North



Public and other representations:

Letters were received from two neighbours (17 consulted). One supports the proposal, highlighting the design, but expressing concern at the impact of building work. The other objects, citing loss of light, loss of privacy and an overbearing impact.

Internal –

Transport – no objection received.

Urban Design – Preferable for the roof to be differentiated more from the walls. Roof overhangs would at least pick up on local character. Materials will be critical, should be indicated on the drawings. Concern at the 'Punched' slatted roller- a timber 'round the corner' type garage door might work better. Is the brick boundary wall retained?

Trees - There is a protected (TPO) Sycamore tree in the corner of Bychurch end that overhangs the proposed corner plot of this scheme. This is the only semi mature tree visible in Church Lane and so its importance in the local landscape should not be underestimated. Details as per BS5837:2012 have not been provided and are required for full consideration of this proposal.

There is a significant concern about the sustainability of a small courtyard garden directly beneath the crown of a fairly young Sycamore. This does not outwardly appear to provide a reasonable outdoor space for future residents and a satisfactory clearance between the TPO tree and the space given likely future growth of the tree. The juxtaposition is likely to cause problems in the future with pressure on the Planning Authority to allow heavy pruning back of the tree. Additionally, it is unclear if the proposal and its related construction activity are likely to be within the root protection area (RPA) of the Sycamore and this damaging to the trees roots.

Contamination - The site and surrounding area have been subject to former potentially contaminative land uses. Given the sensitivity of the proposed development the standard contaminated land condition DV29F is recommended.

Employment Policy – Loss of employment floorspace. Refusal recommended as the sequential test has not been fully explored.

Housing policy – Confirmation of non interest from registered providers required. Subject to this being provided, the appropriate affordable housing contribution would be £78,855.

Amendments:

Further information on the impact on the tree has been provided. Design comments have been responded to. Evidence has been provided that local RPs would not be interested in the site. A section relating to the potential of community uses has been added to the marketing information.

Reconsultation:

Housing/employment policy have been advised of the additional information and consider it to be acceptable.

Urban Design – Further information on materials will be required. Concern about weathering and rainwater staining to the timber facing.

Trees – concerns remain on the impact of the tree on the courtyard and future pressure to carry out works to the tree.

Professional comments:

Loss of Employment Land

London Plan Policy 4.4 'Managing industrial land and premises' states that the Mayor will work with boroughs and other partners to:

- a adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space
- b plan, monitor and manage release of surplus industrial land where this is compatible with a) above, so that it can contribute to strategic and local planning objectives, especially those to provide more housing, and, in appropriate locations, to provide social infrastructure and to contribute to town centre renewal.

Local Plan Policy LP 42 'Industrial Land and Business Parks' states that the borough has a very limited supply of industrial floorspace and demand for this type of land is high. Therefore the Council will protect, and where possible enhance, the existing stock of industrial premises to meet local needs.

Retention of industrial space

A. There is a presumption against 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:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that 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; and then
2. A sequential approach to redevelopment or change of use is applied as follows:
 - a. Redevelopment for office or alternative employment uses.
 - b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.

The site contains a single-storey storage unit with onsite parking space for a van or small lorry. The site area is approximately 455m². The footprint of the existing building is approximately 425m². The construction includes single skin walls with, in some places no damp proof course, and the roof, whilst renewed in 1993, has a shallow pitch, which does not allow water to clear quickly during a downpour resulting in damp penetration.

The most obvious drawback of the site is the poor access down the single lane cul-de-sac with no vehicle turning head.

The Mayor of London's Land for Industry and Transport SPG (2012) states that the Council should ensure a 'restrictive' approach towards the transfer of industrial land to other uses until 2031, which means that industrial land should not be released for other uses. Further to this, the GLA's Industrial Land Supply and Economy Study (2015) demonstrates that the borough has a very limited supply of industrial land, with only 17.3 hectares of general and light industrial space (B2 and B1(c)), and 8.1 hectares of warehousing and storage (B8) facilities; this is amongst the lowest of all the London boroughs.

The first step in the sequential test is consideration of alternative employment generating uses. These uses should include in the first instance B Use Classes such as offices and if these are not practicable then social infrastructure and community uses such as health clinics, nurseries and crèches, leisure facilities or other uses identified for community purposes. The marketing information supplied in conjunction with the obvious drawbacks of the site, which relate to the width of the road and lack of ability for servicing, is considered to be acceptable in confirming that the site is unlikely to be of interest for any use within the 'B' use classes. Additional information has been provided to demonstrate that a community use would not be viable due to the likely cost of securing the land and building a structure which could serve as a community use. This is accepted.

The second step in the sequential test is for mixed use development including other employment generating or community uses. In this case, again, the drawbacks of the narrow road, lack of turning and difficulty of providing parking which can be manoeuvred out of mean that a mixed use is unlikely to be viable.

It should be noted that the proposal for housing previously submitted was considered to be acceptable in terms of land use in 2016. Policies have changed and time has passed since then and consequently the marketing information supplied is up to date. Whilst there is a strong policy for the retention of employment land (which has been strengthened since 2016), the specific circumstances of this site and the evidence provided with the application are such that an exception is considered to be appropriate in this case. Where change of use to residential is considered to be acceptable on an employment site, affordable housing would normally be expected and this is discussed below.

Housing policy

Policy LP 36 requires at least 50% on-site provision on all former employment sites. Evidence of discussions with registered providers is required with an application. The applicant has provided evidence that this has taken place with several providers including the main local organisation, RHP.

This confirms that the registered providers were not interested in the site. Consequently a financial contribution to off-site provision should be sought in accordance with Policy LP36. Due to the proposal replacing employment floorspace, the contribution would not normally be discounted to reflect the size of the scheme, as the policy requirement for a change of use from employment to residential is to maximise above normal provision. It would be discounted to 10% for the one unit that is proposed.

The submitted commuted sum spreadsheet suggested a contribution of £31,861. However this was incorrectly on the basis of a 5% contribution, and did not reflect the Council's benchmark rent per week (reflecting the Tenancy Strategy) of £155 for an affordable 4 bed rented unit.

The Council's Planning Viability Advisor has reviewed the open market value and, on the basis of comparables, agrees that the open market value put forward by the applicant was reasonable. On this basis, at 10% and using the benchmark rent per week, a contribution of £78,855 has been suggested. This has been accepted by the applicant.

At the time of the previous application this policy was not being pursued.

In relation to residential standards, the proposed dwelling meets overall size and room size requirements. The combined garden areas amount to well over 100 sq m and this is considered to be acceptable.

This modern approach is considered to be acceptable and further details of exact materials (charred pre-stained dark timber cladding on first floor and the roof, multi tone bricks on the ground floor walls) would be subject to condition. In relation to the concern about rainwater staining and weathering, the applicant has made the point that the timber facing will be pre-stained and will have a durable pre-finished coating. There will be hidden guttering under the timber roof boarding.

The proposed roller shutter to the parking area was queried in relation to its appearance. The applicant responded as follows:

The roller shutter should not be seen as being basic; as we propose to install a galvanised steel shutter that has a brick bonded laths, which will give an open arrangement allowing a degree of transparency at street level. A timber 'round the corner' garage door arrangement will provide little transparency at street level, and the top of the doors will be exposed to the weather.

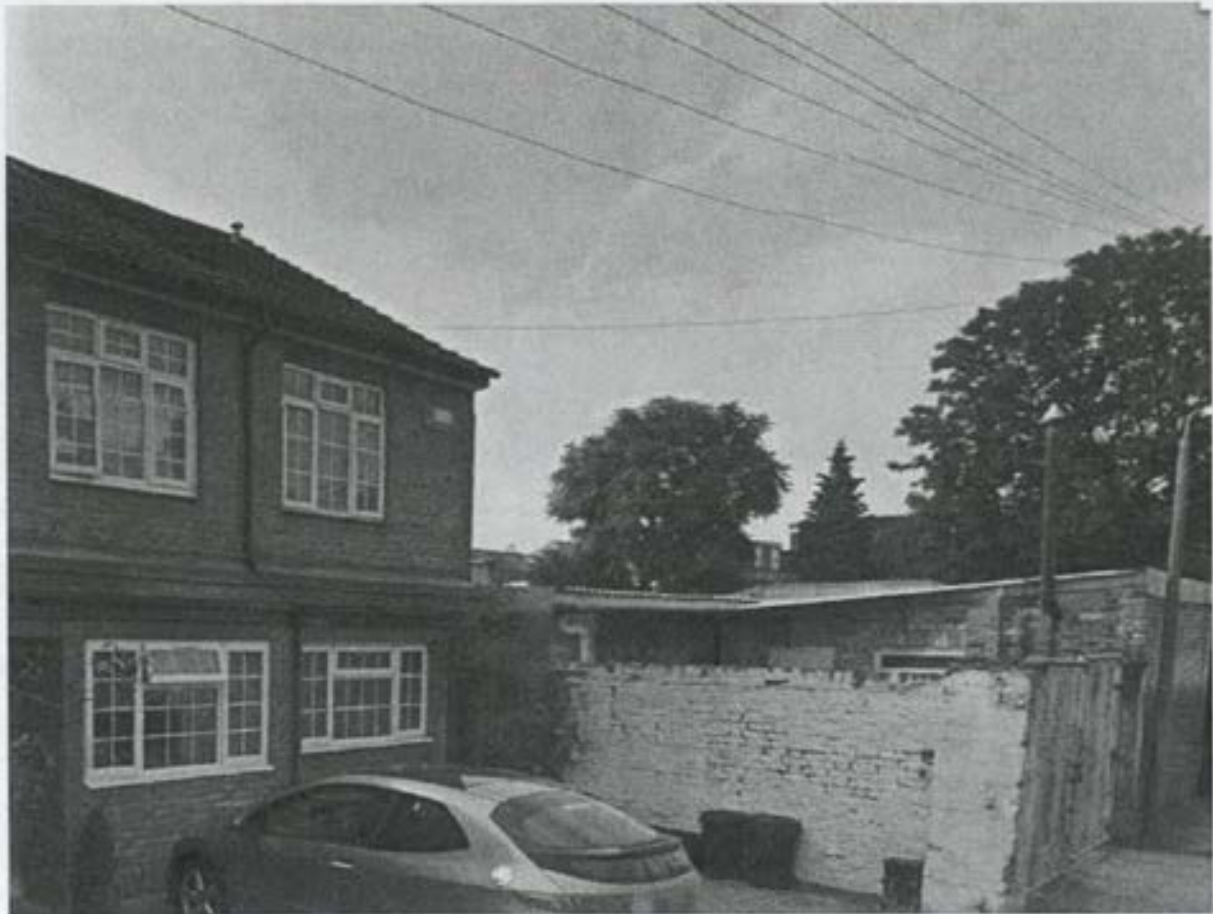
A photograph was also provided. On balance, this is considered to be acceptable.

Impact on neighbours

Whilst it is acknowledged that the road is narrow, houses at the southern end are separated only by a distance of approximately 10m without serious damage to amenity. The ground floor windows are fairly minimal but these rooms also gain light from the rear. There are three front facing upstairs bedroom windows. These windows would be about 1m closer to the houses opposite than the previous application which had been recommended for approval. However, the gap (approximately 10.5m) will be the same as that between 24-30 and 41-47 Church Lane. The proposed house would be no closer to those on the opposite side of the road and it is not considered that there would be an unreasonable impact on privacy or light to those properties.

16 Church Lane adjoins the site and the proposed house would be set forward of it, but angled slightly away. The wall on the boundary would be a little over 2.5m high, however the first floor element would be over 8m away. No 16 has no side windows and it is not considered that this property will be unreasonably affected, bearing in mind what currently exists. The rear garden would not be unreasonably overlooked.

16 Church Lane



At the northern end of the site the adjoining property is 10 Church Lane which was used as offices in 2016 but has since been converted to a house after a prior approval. The occupant of this property has objected to loss of light, loss of privacy and an overbearing impact. However, a high wall will be maintained on the boundary with the ground floor element sited over 5m from the boundary and the first floor, some 10m away. The windows affected at No 10 are over 6.5m from the side boundary. It is therefore not considered that there will be undue loss of light or an overbearing impact. The side of the first floor of the proposed house is indicated to be glazed and this glazing would need to be obscured.

There are houses at 8 and 8a Church Road which do not adjoin the site but are close, however the proposed building and, in particular the first floor, would be some distance from them.

North of site including 10 and 8a Church Lane.



To the rear of the site is a three storey block of flats containing 6 – 11 Bychurch End. These have flats with east facing windows which are, at their closest, a little over 5m from the proposal site boundary. There are two proposed bedroom windows and a landing window on the first floor. One of the bedrooms and the landing (which is filtered) will face the garages and forecourt parking area for Bychurch End. One of the bedroom windows will face the flats and communal garden area for Bychurch End, but this will be 11.5m from the rear boundary and about 15m from the nearest flat. The existing houses at 16 and 18 are as close as 5m from the boundary with the garden area and 15m from flats in Bychurch End.

Bychurch End



Transport

Two parking spaces are provided for the house meeting the Council Standard requirements for dwellings of this size.

With the previous application there was a concern that cars parked opposite the site would need to be moved to allow turning in and out movements from the parking spaces. This application allows for a wider access to allow cars to enter and exit without affecting cars parked opposite and tracking diagrams have been supplied showing how this would work. It also allows for adequate sight lines.

A legal agreement ensuring that parking permits would not be available to future occupiers should a Community Parking Zone be created in the foreseeable future will be required. A Construction Method Statement will be required due to the nature of the road. Details of cycle and refuse storage have been provided and are acceptable.

A draft CMS is included with the application and covers the appropriate items.

Trees

Development closer to the preserved tree (one house was to be located on the boundary) was considered to be acceptable in the case of the previous application. The ground floor now proposed would be over 5m away and the first floor, approximately 10m away. The method of construction is accepted and it is acknowledged that having a garden area by the boundary will benefit the tree as the land is currently built on. Conversely there is a concern that the proximity of the garden area will result in pressure to carry out works on the tree due to shading and deposits from the tree. The applicant has responded as follows: "*The proposed underplanting of spring-flowering magnolia was selected for being a resilient woodland species with good seasonal timing that would cope with the shade and competition from the sycamore and to make the most available light from the south and west. We want to have a secondary layer that is of a scale above the walls to provide aesthetic interest to the internal views and also to the wider neighbourhood. It is a woodland garden, best in spring, and adapted to shade. This is a private garden for the Master Bedroom & Master Bathroom. Because of the isolated relationship to the Master Bedroom, and the 'dirtiness' of the sycamore's aphid bloom & black sooty mould, and the possible overlooking from neighbours we envisioned this space as a full, leafy and shady garden rather than a regularly habitable garden for socialising and play. It is more romantic and with more interest for the owner/gardener and for the views than as a social space. A simple walkway provides access and a small table a chairs as an eye-catcher but this could as easily be a piece of lit sculpture or a bird bath.*"

*'it is actually in our Clients' interest to also resist pressure on the Planning Authority to allow heavy pruning back of the tree because the tree provides significant **protection from overlooking** and as it is to the north of this property the shade has the least affect of all the adjacent properties. Our clients are actually highly invested in it being maintained as a large tree; it improves the neighbourhood, it prevents overlooking (in summer), and as a large handsome tree it is observed as a benefit for views from all courtyards and all rooms of the proposed residence (all year).'*"

Bearing in mind the above statements and the provision of two other garden areas (one being much larger) it is considered that the proposal can be accepted as one which would not prejudice the future well-being of the preserved tree.

Another concern related to the impact of the boundary wall on branches of the tree, however the applicant has now clearly demonstrated that the lowest branch is over 2m higher than the proposed replacement boundary wall.

Sustainability

Policy LP 22 aims to ensure that new development results in a reduction in total carbon dioxide emissions and, more specifically, achieve a 35% reduction in CO2 emissions over 2013 Building Regulations levels. There is also a requirement for new developments to meet the appropriate targets for water consumption i.e. 105 litres /person / day for new homes.

The application is accompanied by an energy statement. Photovoltaic panels will be used as a source of renewable energy, and the overall saving on carbon dioxide as a result of this will be a little in excess of 35%. Consequently the scheme is considered to be acceptable in terms of sustainability.

The flat roof areas of the ground floor are intended as green roofs which adds to the sustainable credentials of the scheme and contributes to biodiversity as required by policies LP 15 and 17.

Decontamination

Due to the previous uses of the site a condition will be necessary requiring an investigation and, if appropriate, mitigation.

Community Infrastructure Levy

The scheme will be liable for both the Council and the Mayor of London Community Infrastructure Levy.

Recommendation: Approve subject to S106 to provide affordable housing contribution and remove rights for residents parking permits in the event of a CPZ being created.

Standard conditions:

AT01 - Development begun within 3 years

BD12 - Details - Materials to be approved

DV11 – Use of roof restricted

DV29F – Potentially contaminated sites

DV50 – Energy Reduction

DV51 – Water Consumption

DV48 – Approved Drawings – SU 01, 02, 03; LD 200; PL01, 02, 03, 04, 05, 06, 07, 08, 14, 15, 16, 17, 18, 19, 20, 21, 22 received on 1st June 2018; PL 09A, 10A, 11A, 12A, 25 received on 23rd August 2018; PL 26, 27, 28 received on 27th August 2018.

Tree Report Rev B

Concept Report

Design and Access Statements

Energy and sustainability statement

Transport Statement

Market Appraisal

Planning Statement
Affordable Housing Statement

DV49 – Construction Method Statement
GD02A - Restriction – Alterations/ Extensions
GD10A - Restrict outbuildings
LT09 – Hard and soft landscaping required

Non-standard conditions:

NS01 – Means of enclosure

None of the buildings hereby approved shall be occupied until a suitable means of enclosure has been erected along the boundaries of the site to the satisfaction of the Local Planning Authority and in accordance with details to be approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining occupiers and the area generally.

NS02 – Parking Spaces

No dwelling shall be occupied until the parking spaces indicated on the approved plans have been constructed to the satisfaction of the Local Planning Authority and these shall at no time be used other than by occupiers/callers to the premises and for no other purpose.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic, the conditions of general safety along the neighbouring highway or the amenities of the area.

NS03 Arb Detail

The principles and methodology as described within the approved Arboricultural detail must be followed throughout the entire course of development.

REASON: To ensure that the tree (s) are not damaged or otherwise adversely affected by building operations and soil compaction.

NS04 Tree RPA

Any excavation/vegetation clearance within the RPA of any retained tree(s) on/off site shall be carried out using non-mechanised hand tools only and undertaken in accordance with 7.2 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. If this is not practical an alternative procedure must be submitted in writing and approved in advance by the council's arboricultural officer.

REASON: To ensure that the tree(s) are not damaged or otherwise adversely affected by building operations.

NS05 - Tree protection

A) All excavations in preparation of foundations, drainage and all works above ground level within the Root Protection Area of (retained tree(s)) shall be carried out in a manner to ensure that all major roots uncovered in excess of 25mm shall be retained, bridged around and treated in accordance with section 7.2 of BS5837:2012.

B) Roots with a diameter less than 25mm may be removed if necessary; this should be done in accordance with BS3998:2010 (Tree Work – Recommendations) and section 7.2.3 of BS5837:2012

C) Any tree root exposed which is in excess of 5cm in diameter shall be reported to the Council's Tree Officer within 48 hours of exposure in order that advice may be obtained with regard to adequate treatment.

D) Any exposed roots must be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Wrapping must be removed prior to backfilling.

E) Backfilling should be undertaken in accordance with section 7.2.4 of BS5837:2012.

REASON: To ensure that tree (s) are not damaged or otherwise adversely affected by the building operations

NS06 – Tree Monitoring

Prior to the commencement of works (e.g. demolition, plant movement and storage in preparation of development etc.) within the site an auditable system of arboricultural site monitoring is to be formulated for the scheme; the system should involve arboricultural supervision at key phases. The site specific process of monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Site visits shall be undertaken in accordance with the approved scheme, records shall be submitted to the Local Planning Authority within 24 hours of the visits taking place.

REASON: To ensure that tree (s) are not damaged or otherwise adversely affected by the building operations

NS07 – Obscure Glazing

The proposed glazing in the first floor side elevations of the building hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.

REASON: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

NS08 - Solar PV panels

Prior to the occupation of the dwelling hereby approved, PV panels shall be installed in accordance with the approved energy statement and in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to installation. The panels shall remain in situ thereafter. The details of the panels to be submitted shall include the design, technical specification and external finishes thereof.

REASON: To accord with the Council's carbon reduction targets.

NS09 – Green Roof

Prior to the occupation of the building hereby approved the roof shown on the approved drawings shall have been installed in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority. The green roof shall thereafter be retained in accordance with a maintenance schedule to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the biodiversity benefits and ecological benefits of the development are delivered and maintained and to comply with Policies LP 15 and 17..

Standard informatives:

IH03C – Vehicle Crossover

IE05A – Noise control

IH06B – Damage to highway

IL10A – Building Regulations

IL16HA – Policies:

Local Plan LP 1, 8, 10, 15, 16, 17, 22, 34, 25, 36, 39, 40, 42, 45

SPD: Design Quality

SPD: Front garden and other parking standards

SPD: Sustainable Construction Checklist

SPD: Small and Medium Housing Sites

SPD: Residential Development Standards

SPD Affordable Housing

IL24 – CIL Liable

IL25 - NPPF APPROVAL - Para. 186 and 187

IL29 CMS

Subj 5106

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable

YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement

YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file)

YES NO

This application has representations on file

YES NO

Case Officer (Initials): SGJ

Dated: 11/10/18

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: 19/11/18 WWC

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

Status: REF
Date:28/04/1989

Application:89/0576/FUL
Erection Of Two Storey Block Comprising 3x Office/research And
Development/light Industrial Units (class B1) And Parking Provisions

Development Management

Status: GTD
Date:08/09/1977

Application:77/0550
Erection of single storey rear extension for workshop use; alterations to front
elevation; provision of parking area at side and rear of site; provision of
vehicular access.

Development Management

Status: REF
Date:21/11/1988

Application:88/1892
Erection of a 2 storey building comprising 4 x office/research and
development/light industrial units (Class B1) and parking provision
(Amended Plan No.(s) 245/05 & 07 received on 21st September 1988).

Development Management

Status: WDN
Date:08/03/2016

Application:13/1014/FUL
Demolition of existing (B8) storage facility and construction of three house
(C3a)

Development Management

Status: GTD
Date:16/09/2016

Application:16/2705/FUL
New insulated duo pitched roof and installation of fully glazed windows and
doors within existing wall openings.

Development Management

Status: PCO
Date:

Application:18/1808/FUL
Demolition of existing building in Use Class B8 (storage and distribution) and
change of use of land to C3 (residential) use. Erection of a part two storey
part single storey building to provide 4 bed (4B8P) dwellinghouse with
associated parking, hard and soft landscaping, green roof, cycle and refuse
stores.

Appeal

Validation Date:

Erection of a 2 storey building comprising 4 x office/research and
development/light industrial units (Class B1) and parking provision
(Amended Plan No.(s) 245/05 & 07 received on 21st September 1988).

Reference: 88/1892

Appendix D



Arlington Works – Schedule of accommodation and tenant history

DATE: 16 December 2020 **CONFIDENTIALITY:** Confidential
SUBJECT: Schedule of accommodation and tenant history
PROJECT: Arlington Works, Richmond **AUTHOR:** Philip Villars

	Unit		Tenant	Existing Use	Size (sqm)	Current Use Class	New Use Class/Fallback
Mews Buildings (BTMs)	21 – Ground	A	Sharpe – 1998 – present	Ancillary canteen and washing/shower facilities	26	Ancillary B1/B2/B8	E (through PD to B1)
	21 – Ground	B	Ed Kellow – 1 July 2019 – present	Maker of film props/special effects	8.5	Was B1c now Class E	E
	21 – Ground	C	Ray Clark – 1991 – present day	Repairs and re-upholsters	26	Was B1c now Class E	E
	21 – First	D	Sharpe – 1998 – Nov 2018	Vacant storage	15	B8	E (as above)
	21 – First	E	Ellis Troy – 24 June 2020 – present (musician and office)	Office	12	Was B1a/c now Class £	E
	21 – First	F		Music rehearsal room	10		
	21 – First	G	Mahan – 1997 – present	Musician rehearsal room/recording	18.5	Was B1 now Class E	E



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23 – Ground	H	Thames Hammer – 1998 – 2008 (JCB hammer repair) PJ Max – 2008 – 31 Dec 2011 (car body repairs) Kingswood – 1 Jan 2012 – present (builder’s equipment store)	Storage builder	26	B2/B8	E (as above through PD to B1)
23 – Ground	I	Clark – 1991 – 31 May 2012 Easy Access Orchestra – 1 June 2012 – present	Storage for musicians recording on first floor above	8.5	Was ancillary B1 now Class E	E
23 – Ground	J	MTS - 1991 – 31 Nov 2019 (carpenter/joiner) Robert Rogalski T/A Eco Heat Care – 1 Dec 2019 – present (heating/plumber storage)	Storage plumber/heating engineer	26	B8	E (as above)
23 – First	K	Huff – 1997 - 1 June 2006 (musician) Mahan – 1 June 2006 – present (storage)	Storage for musicians	18.5	B8	E (as above)



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	23 – First	L	Fiddler – 1998 – 2000 (musician) Trout – 2000 – June 2004 (musicians/band) Easy Access Orchestra – July 2004 - present (music writer/recording/practice area)	Musician rehearsal and recording room	37	Was B1 now E	E
	25 – Ground	M	PJ Max/Max Smith – 1991-Dec 2019 (car body repairs) Matt Smith – 15 Feb 2020 – present (carpenter)	Carpenter workshop	26.25	Was B1 now E	E
	27 – Ground	U	PJ Max/Max Smith – 1991-Dec 2019 (car body repairs) Henry Gregory – 30 Nov 2019 – present (antique furniture repair and storage)	Furniture repairs and Storage	26.25	Was B1c now E	E
	25 – Ground	N	PJ Max/Max Smith – 1991-Dec 2019 (car body repairs) Robert Rogalski (t/a Eco Heat Care) – 1 Feb 2020 – present	Office (vacant whilst tenant replaces floor)	8.5	Was B1a now E	E



Arlington Works – Schedule of accommodation and tenant history

DATE: 16 December 2020 **CONFIDENTIALITY:** Confidential
SUBJECT: Schedule of accommodation and tenant history
PROJECT: Arlington Works, Richmond **AUTHOR:** Philip Villars

25 – Ground	O	Kingswood – 1997 – March 2007 (builder’s equipment store) Knight Electrical – March 2007 - present (builder/electrician’s store)	Storage	26	B8	E (as above)
25 – First	P	Twickenham Sound Studio – 1998 to present day	Sound recording studio and office	55.5	Was B1a now E	E
25 – First	Q					
25 – First	R					
27 – Ground	S	Sharpe – 1998 – Nov 2020 Marble Lab Ltd – 18 Nov 2020 – present	Storage (vacant)	27	B8	E (as above)
27 – Ground	T	PJ Max/Max Smith – 1991-Dec 2019 (car body repairs) Marble Lab Ltd – 1 June 2020 – present (fire place storage)	Storage marble fireplaces	8.5	B8	E (as above)
27 – First	V	Herbalisers – 1997 – 28 Feb 2012 (music writer/band)	Music recording studio	10.4	Was B1a now E	E
27 – First	W	Mark Wilkinson – 1 Mar 2020 to present (DJ and music writer)	Office with ancillary storage	26.6		
27 – First	X	Kestler – 1990 – 2001 (musician)	Office	18.5	Was B1a now E	E



Arlington Works – Schedule of accommodation and tenant history

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PROJECT: Arlington Works, Richmond **AUTHOR:** Philip Villars

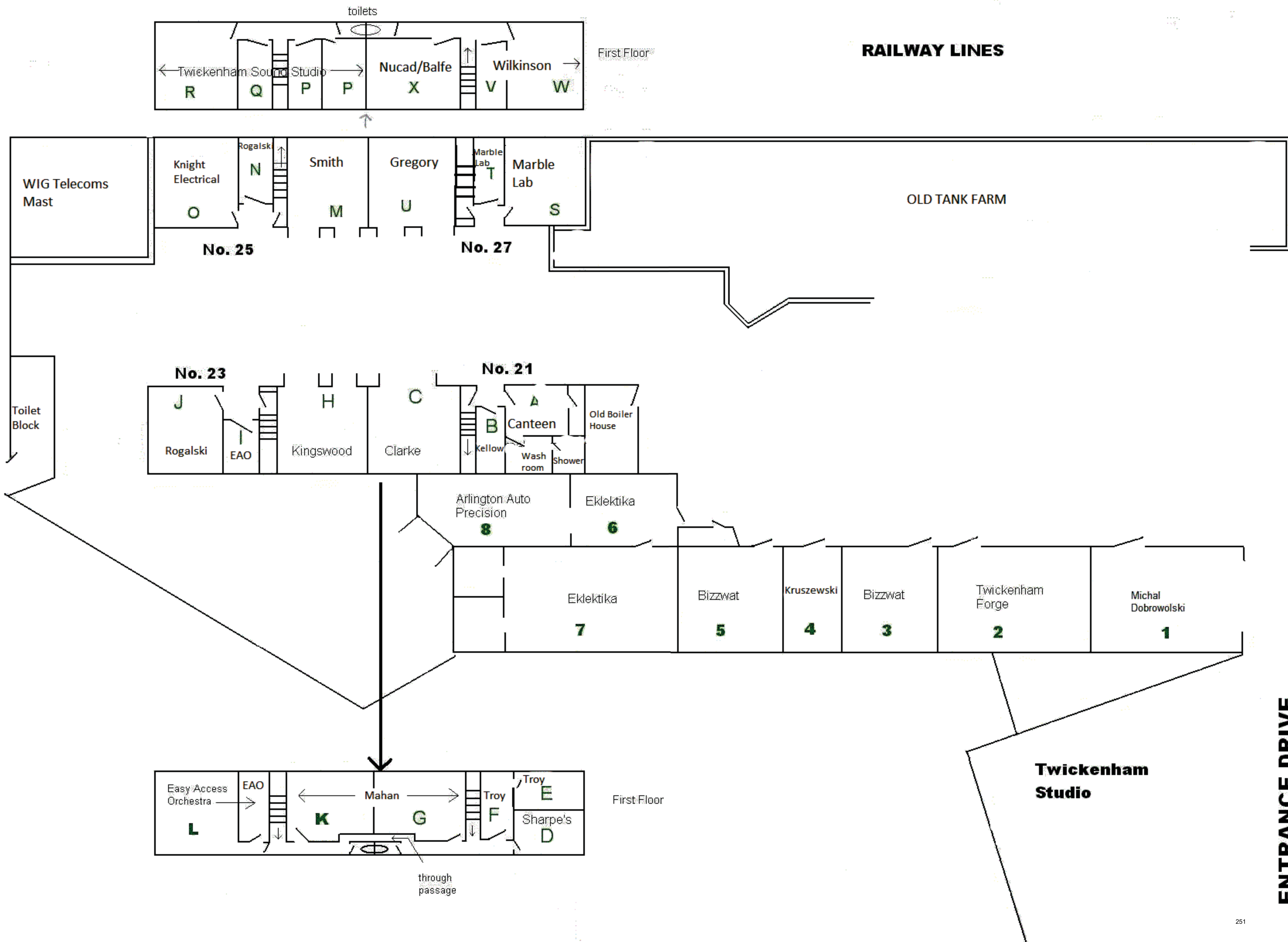
			Nucad/Balfe – 2001 to present day (advertising office)				
Single Storey Outbuildings (Corrugated Metal Shed)	1		Marbek – 1990 – 2008 (Metal fabrication) Thames Hammer – 2008 – 31 Dec 2011 (JCB hammer engineer) Marble Lab Ltd – 1 Jan 2012 – present (marble work/fireplace repairs)	Marble Fireplace maker and restorer	56	B2	E (through PD to B1)
	2		Twickenham Forge – 1998 – present	Blacksmith	56	B2	E (as above)
	3		Marbek – 1991 – 31 Jan 2008 (JCB hammer engineer)	Chandelier Assembler and restorer and associated storage in Unit 5	37	Was B1c now Class E	E
	5		Bizzwat – 1 Feb 2008 – present (lighting assembly/repairs)		37	B8	E (as above)
	4		Sharpe Refinery/Sharpe's Recycle Oil Ltd – 1998 – Nov 2018 Arek Kruszewski – 1 May 2019 – present	Storage	18.5	B8	E (as above)



Arlington Works – Schedule of accommodation and tenant history

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	6	Ian Steel – 1997 – 31 March 2011 (caustic wood stripping)	Furniture refurbishment and wholesaler	125	B1c/ B8	E (as above)
	7	Eklektika – 1 April 2012 – present (furniture wholesaler)				
	8	Arlington Auto – 1990 – present	Car body repair workshop	54	B2	E (as above)



Appendix E



Ministry of Housing,
Communities &
Local Government

Sadiq Khan
Mayor of London
City Hall
The Queens Walk
London SE1 2AA.

Rt Hon Robert Jenrick
*Secretary of State for Housing, Communities and
Local Government*

**Ministry of Housing, Communities & Local
Government**

Fry Building
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London
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Tel: 0303 444 3450
Email: robert.jenrick@communities.gov.uk

www.gov.uk/mhclg

10 December 2020

Dear Sadiq,

London Plan

Thank you for your letters of 21 August and 9 December 2020 regarding the London Plan. As you will be aware, my officials have been in discussion with your officers during the intervening time and have worked constructively to find a way through the detail of ensuring that the London Plan will be consistent with national planning policy. I hope that there is now a common understanding of how my 11 Directions, issued on 13th March will be addressed and I attach a list showing where I accept your proposed wording and where you should keep to the original Directions.

We agree that moving towards adoption of the London Plan would help families and businesses in London to build back better. Since I directed you on your draft plan in March it has become clear that there are some further issues. Therefore, I am issuing two further Directions. Firstly, in light of the profound impact Covid-19 is having on London, and other towns and cities, I am issuing a further Direction in relation to Direction DR4, specifically regarding updated para 6.4.8. This is a modest amendment to my previous direction which will provide boroughs in the difficult position of facing the release of Green Belt or Metropolitan Open Land with a greater freedom to consider the use of Industrial Land in order to meet housing needs.

Second, I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital.

Next Steps

I am pleased that you share my sense of urgency in getting the London Plan published. I would be grateful if you could re-submit your Intention to Publish version of the Plan with amendments that address the 11 previous Directions and the two additional Directions. I will then be in a position to formally agree to the publication of the London Plan.

Once published, the London Plan will be an important tool in helping to drive housing delivery, economic recovery and sustainable development across London.

You will recall that in my letter of 13th March I required you to commit to a range of activities to support future housing growth in London. I am pleased that the communication between our teams is ongoing and positive. I would like to see details of work on a strategy with the wider south east authorities.

I look forward to your reply detailing these commitments and to receiving your modified Intention to Publish version of the London Plan.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style with a long horizontal stroke underneath the name.

RT HON ROBERT JENRICK MP

Annex A

Updated Changes to London Plan as a result of Directions

DR1	Policy H10 (A)(9)	<u>the need for additional family housing and</u> the role of one and two bed units in freeing up <u>existing</u> family housing.
DR2	Policy D3 (A) and part of (B)	<p>The design-led approach</p> <p>A All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. <u>Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.</u> The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in <u>Policy D2 Infrastructure requirements for sustainable densities</u>), and that best delivers the requirements set out in Part D B.</p> <p><u>B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.</u></p> <p><u>C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2.</u></p> <p>B D Development proposals should:</p>
DR2	Paragraph 3.3.1	<p>For London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land <u>by optimising site capacity. This means ensuring the development’s form is the most appropriate for the site and land uses meet identified needs. The design of the development must optimise site capacity. Optimising site capacity means ensuring that the development</u></p>

		<p>takes the most appropriate form for the site and that it is consistent with relevant planning objectives and policies. The optimum capacity for a site does not mean the maximum capacity; it may be that a lower density development – such as Gypsy and Traveller pitches – is the optimum development for the site.</p>
DR3	Paragraph 4.2.12-13	Delete Paragraph 4.2.12 and 4.2.13, re-number Paragraph 4.2.14
DR4	Policy E4(C) including footnote 103	<p>The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed, having regard to the industrial property market area and borough-level categorisations in Figure 6.1 and Table 6.2. This should ensure that in overall terms across London there is no net loss of industrial¹⁰³ floorspace capacity (and operational yard space capacity) within designated SIL and LSIS. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in <u>Policy E7 Industrial intensification, co-location and substitution</u> and supported by Policy E5 Strategic Industrial Locations (SIL).</p> <p>¹⁰³ Defined as the overall range of uses set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function</p>
DR4	Paragraph 6.4.5 including footnote 108	<p>Based upon this evidence, this Plan addresses the need to retain provide sufficient industrial, logistics and related capacity through its policies, by seeking, as a general principle, no overall net loss of industrial floorspace capacity across London in designated SIL and LSIS. Floorspace capacity is defined here as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio¹⁰⁸ (whichever is the greater).</p> <p>¹⁰⁸ Defined as total proposed industrial floorspace (see Part A), divided by the total proposed site area. Source: London Employment Sites Database, CAG Consultants, 2017: 65 per cent is the default plot ratio assumption for industrial and warehousing sites</p>
DR4	Paragraphs 6.4.6 to 6.4.11	Delete para 6.4.6 – 6.4.11 and replace with the following: <u>6.4.6 Where possible, all Boroughs should seek to deliver intensified floorspace capacity in either existing</u>

	including footnote 110	<p><u>and/or new appropriate locations supported by appropriate evidence.</u></p> <p><u>6.4.7 All boroughs in the Central Services Area should recognise the need to provide essential services to the CAZ and Northern Isle of Dogs and in particular sustainable ‘last mile’ distribution/ logistics, ‘just-in-time’ servicing (such as food service activities, printing, administrative and support services, office supplies, repair and maintenance), waste management and recycling, and land to support transport functions. This should be taken into account when assessing whether substitution is appropriate.</u></p> <p><u>6.4.8 Where industrial land vacancy rates are currently well above the London average, Boroughs are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations. Where possible, a substitution approach to alternative locations with higher demand for industrial uses is encouraged.</u></p>
DR4	Table 6.2	Delete table setting out borough categories for industrial land release/retention
DR4	Figure 6.1	Delete map showing setting out borough categories for industrial land release/retention
DR4	Policy E5(B)(4)	<u>4) strategically coordinate Development Plans to identify opportunities to substitute industrial capacity and function of Strategic Industrial Locations where evidence that alternative, more suitable, locations exist. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan. All Boroughs are encouraged to evaluate viable opportunities to provide additional industrial land in new locations to support this process. This policy should be applied in the context of Policy E7 Industrial intensification, co-location and substitution.</u>
DR4	Policy E5(D) including renumbering of E5(E) as E5(D)	Development proposals for uses in SILs other than those set out in Part A of Policy E4 Land for industry, logistics and services to support London’s economic function, (including residential development, retail, places of worship, leisure and assembly uses), should be refused except in areas released through a strategically co-ordinated process of SIL consolidation. This release must be carried out through a

		<p>planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a co-ordinated masterplanning process in collaboration with the GLA and relevant borough.</p> <p>E</p>
DR4	Policy E7(C)	<p>... Mixed-use development proposals on Non-Designated Industrial Sites which co-locate industrial, storage or distribution floorspace with residential and/or other uses should also meet the criteria set out in Part Ds D2 to D4 below.</p>
DR4	Policy E7(D)	<p>The processes set out in Parts B and C above must ensure that:</p> <p>1) the industrial uses within the SIL or LSIS are intensified to deliver an increase (or at least no overall net loss) of capacity in terms of industrial, storage and warehousing floorspace with appropriate provision of yard space for servicing</p> <p>2) the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and operational requirements</p> <p>23) the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied</p> <p>34) appropriate design mitigation is provided in any residential element to ensure compliance with 1 and 2 above with particular consideration given to:</p> <p>a) safety and security</p> <p>b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict</p> <p>c) design quality, public realm, visual impact and amenity for residents</p> <p>d) agent of change principles</p> <p>e) vibration and noise</p> <p>f) air quality, including dust, odour and emissions and potential contamination.</p>

DR4	Paragraph 6.7.2	<p>Whilst the majority of land in SILs should be retained and intensified for the industrial type functions set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function, there may be scope for selected parts of SILs or LSISs to be consolidated <u>or appropriately substituted</u>. This should be done through a carefully co-ordinated plan-led approach (in accordance with Parts B and D of Policy E7¹ Industrial intensification, co-location and substitution) to deliver an intensification of industrial and related uses in the consolidated SIL or LSIS and facilitate the release of some land for a mix of uses including residential. Local Plan policies' maps and/or OAPFs and masterplans <u>(as relevant)</u> should indicate clearly:</p> <p>i. the area to be retained, <u>substituted</u> and/or intensified as SIL or LSIS (and to provide future capacity for the uses set out in <u>Policy E5 Strategic Industrial Locations (SIL)</u> and <u>Policy E6 Locally Significant Industrial Sites</u>) and</p> <p>ii. the area to be released from SIL or LSIS (see illustrative examples in Figure 6.3). Masterplans should cover the whole of the SIL or LSIS, and should be informed by the operational requirements of existing and potential future businesses.</p>
DR4	Paragraph 2.1.16	<p>Southwark is preparing an Area Action Plan (AAP) which will set out how the BLE will enable significant residential and employment growth. The Old Kent Road OA contains the last remaining significant areas of Strategic Industrial Locations that lie in close proximity to the CAZ and the only SILs within Southwark. The AAP should plan for no net loss of industrial floorspace capacity and set out how industrial land can be intensified and provide space for businesses that need to relocate from any SIL identified for release. Areas that are released from SIL should seek to co-locate housing with industrial uses, or a wider range of commercial uses within designated town centres. Workspace for the existing creative industries should also be protected and supported.</p>
DR4	Paragraph 2.1.33	<p>The Planning Framework should quantify the full development potential of the area as a result of Crossrail 2. It should ensure that industrial, logistics and commercial uses continue to form part of the overall mix of uses in the area, with no net loss of industrial floorspace capacity, and that opportunities for intensification of industrial land and co-location of industrial and residential uses are fully explored. Tottenham and Walthamstow contain clusters of</p>

¹ See also paragraphs 6.4.5 to 6.4.8 for definition of industrial floorspace capacity

		creative industries which should be protected and supported. The Planning Framework should also protect and improve sustainable access to the Lee Valley Regional Park and reservoirs, and ensure links through to Hackney Wick and the Lower Lea Valley. Planning frameworks should include an assessment of any effects on the Epping Forest Special Area of Conservation and appropriate mitigation strategies.
DR4	Paragraph 2.1.53	Housing Zone status and investment by Peabody in estate renewal in the area will improve the quality of the environment and bring new housing opportunities. To deliver wider regeneration benefits to Thamesmead, other interventions to support the growth of the Opportunity Area are needed. These include: the redevelopment and intensification of employment sites to enable a range of new activities and workspaces to be created in parallel with new housing development; a review of open space provision in the area to create better quality, publicly accessible open spaces; the creation of a new local centre around Abbey Wood station, the revitalisation of Thamesmead town centre and Plumstead High Street; and improved local transit connections. The Planning Framework should ensure that there is no net loss of industrial floorspace capacity.
DR4	Paragraph 2.1.56	Industrial and logistics uses will continue to play a significant role in the area. The Planning Framework should ensure that there is no net loss of industrial floorspace capacity, and that industrial uses are retained and intensified, and form part of the mix in redevelopment proposals. Belvedere is recognised as having potential as a future District centre.
DR5	Policy G2	<p>A The Green Belt should be protected from inappropriate development:</p> <p>1) development proposals that would harm the Green Belt should be refused <u>except where very special circumstances exist</u></p> <p>2) <u>subject to national planning policy tests,</u> the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.</p> <p>B <u>Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a Local Plan. The extension of the Green Belt will be supported, where appropriate. Its de-designation will not be supported.</u></p>

DR6	Policy G3(A)	<p>Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:</p> <p>1) Development proposals that would harm MOL should be refused. MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt</p> <p>2) boroughs should work with partners to enhance the quality and range of uses of MOL.</p>
DR6	Policy G3(C)	<p>Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, <u>taking into account the purposes for including land in MOL set out in Part B ensuring that the quantum of MOL is not reduced, and that the overall value of the land designated as MOL is improved by reference to each of the criteria in Part B.</u></p>
DR7	Policy H14 and supporting text	<p>Delete Policy H14 B in its entirety.</p> <p>Modify Policies C and D as follows:</p> <p>C. Boroughs that have not undertaken a needs assessment since 2008 should use the figure of need for Gypsy and Traveller gypsy and traveller accommodation provided in Table 4.4 as identified need for pitches until a needs assessment, using the definition set out above, is undertaken as part of their Development Plan review process.</p> <p>D. Boroughs that have undertaken a needs assessment since 2008 should update this based on the definition set out above as part of their Development Plan review process</p> <p>Delete supporting text paragraphs 4.14.1, 4.14.2, 4.14.3, 4.14.4, 4.14.7 and re-number remaining paragraphs</p> <p>In Policy H14 sections A, E and G and supporting text paragraphs 4.14.5, 4.14.6, 4.14.8, 4.14.9, 4.14.11 and 4.14.12: Replace the terms 'Gypsy and Traveller' and 'Gypsies and Travellers' respectively with the phrases gypsy and traveller and gypsies and travellers in line with PPTS.</p>
DR8	Paragraph 0.0.21	<p>The Plan provides an appropriate spatial strategy that plans for London's growth in a sustainable way and has been found sound by the planning inspectors through the examination in public. The housing targets set out for each London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their Local Plan development, <u>unless they have additional evidence that</u></p>

		<u>suggests they can achieve delivery of housing above these figures whilst remaining in line with the strategic policies established in this Plan.</u>		
DR9	Table 10.3	Location	<u>Number of beds</u>	Maximum parking provision*
		Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres All areas of PTAL 5 – 6 Inner London PTAL 4	<u>All</u>	Car free
		Inner London PTAL 3	<u>All</u>	Up to 0.25 spaces per dwelling
		Inner London PTAL 2 Outer London PTAL 4 Outer London Opportunity Areas	<u>All</u>	Up to 0.5 spaces per dwelling
		Inner London PTAL 0 – 1 Outer London PTAL 3	<u>All</u>	Up to 0.75 spaces per dwelling
		Outer London PTAL 4	<u>1 – 2</u>	<u>Up to 0.5 - 0.75 spaces per dwelling*</u>
		Outer London PTAL 4	<u>3+</u>	<u>Up to 0.5 - 0.75 spaces per dwelling*</u>
		Outer London PTAL 2 – 3	<u>1 – 2</u>	<u>Up to 0.75 spaces per dwelling</u>
		Outer London PTAL 2 – 3	<u>3+</u>	Up to 1 space per dwelling
		Outer London PTAL 0 – 1	<u>1 – 2</u>	<u>Up to 1.5 space per dwelling</u>
		Outer London PTAL 0 – 1	<u>3+</u>	Up to 1.5 spaces per dwelling ^
		* Where Development Plans specify lower local maximum standards for general or operational parking, these should be followed		
		~ With the exception of disabled persons parking, see Part G Policy T6.1 Residential Parking		

		<p><u>+ When considering development proposals that are higher density or in more accessible locations, the lower standard shown here should be applied as a maximum.</u></p> <p><u>^ Boroughs should consider standards that allow for higher levels of provision where there is clear evidence that this would support additional family housing. Where small units (generally studios and one bedroom flats) make up a proportion of a development, parking provision should reflect the resultant reduction in demand so that provision across the site is less than 1.5 spaces per unit</u></p>
DR10	Policy T6.3(A) Retail Parking Standards	The maximum parking standards set out in Table 10.5 should be applied to new retail development, <u>unless alternative standards have been implemented in a Development Plan through the application of Policy G below</u> . New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in <u>Policy SD7 Town centres: development principles and Development Plan Documents</u> .
DR10	Policy T6.3(G) NEW	<u>G. Boroughs may consider alternative standards in defined locations consistent with the relevant criteria in the NPPF where there is clear evidence that the standards in Table 10.5 would result in: a. A diversion of demand from town centres to out of town centres, undermining the town centres first approach. b. A significant reduction in the viability of mixed-use redevelopment proposals in town centre.</u>
DR11	Paragraphs 4.1.11 to 4.1.13	Delete paragraph 4.1.11 and re-number remaining paragraphs.

Further Directions			
Direction Overview	Intention to Publish London Plan Policy	Modification to Remedy National Policy Inconsistency New text is shown as bold red and deleted text as red strikethrough	Statement of Reasons
<p>DR12 Tall Buildings</p> <p>The draft London Plan includes a policy for tall buildings but this could allow isolated tall buildings outside designated areas for tall buildings and could enable boroughs to define tall buildings as lower than 7 storeys, thus thwarting proposals for gentle density.</p> <p>This Direction is designed to ensure that there is clear policy against tall buildings outside any areas that boroughs determine are appropriate for tall buildings, whilst ensuring that the concept of gentle density is embedded London wide.</p> <p>It retains the key role for boroughs to determine where may be appropriate for tall buildings and what the definition of tall</p>	<p>Policy D9 part B</p> <p>And supporting paragraph 3.9.3</p>	<p>Policy D9 Tall buildings</p> <p>Definition</p> <p>A Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.</p> <p>Locations</p> <p>B 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.</p> <p>2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.</p> <p>3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.</p> <p>3.9.3 Tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. Boroughs should define what is a 'tall building' for specific localities, however this definition should not be should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. This does not mean that all buildings up to this height are automatically acceptable, such proposals will still need to</p>	<p>Tall buildings can have significant impacts on their local surroundings. However, the approach of gentle densification is encouraged and in line with national policy in NPPF 2012 for a presumption in favour of sustainable development and to promote the use of brownfield land and focus development on existing settlements.</p> <p>So a balanced amendment is required to ensure that there is not an unintended policy against relatively modest height increases which could be caught by some definitions of tall buildings, for example the redevelopment of a 2 storey building to provide a 4-6 storey building.</p> <p>The 2012 NPPF Chapter 7 provides national policy on Good Design and para 58 refers to the importance of local character. The modification to policy D9 provides clear justification to avoid forms of development which are often considered to be out of character, whilst encouraging gentle density across London.</p>

<p>buildings are, so that it is suitable for that Borough.</p>		<p>be assessed in the context of other planning policies, by the boroughs in the usual way, to ensure that they are appropriate for their location and do not lead to unacceptable impacts on the local area. In large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context. This policy applies to tall buildings as defined by the borough. Where there is no local definition, the policy applies to buildings over 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. 25m in height in the Thames Policy Area, and over 30m in height elsewhere in London.</p>	
<p>DR4 amended Policy E4 Land for industry</p> <p>This Direction is to provide boroughs that are facing the choice of considering the use of green belt sites in order to accommodate housing need, an option of considering further industrial land release.</p>	<p>Updated para 6.4.8</p>	<p>6.4.8 Where industrial land vacancy rates are currently well above the London average, Boroughs are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations. In exceptional circumstances when allocating land, boroughs considering the release of Green Belt or Metropolitan Open Land to accommodate housing need, may consider the re-allocation of industrial land, even where such land is in active employment uses. Where possible, a substitution approach to alternative locations with higher demand for industrial uses is encouraged.</p>	<p>As part of an overall approach to achieving sustainable development and prioritising the use of brownfield land, as set out in NPPF 2012, Boroughs facing decisions about releasing Green Belt or MOL to accommodate housing need, should have the option of allocating industrial land to meet these needs.</p>

Appendix F

APP/L5810/W/20/3249153

Arlington Works TW1 2BB

Sharp Refinery Service (Hydro-Carbons) Ltd

Financial Viability & Affordable Housing Position Statement

Robert Grimshaw

December 2020

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1. Introduction

- 1.1. The Inquiry is concerned with an appeal (APP/L5810/W/20/3249153) against the refusal of planning permission lodged by Sharp Refinery Service (Hydro-Carbons) Ltd ('the Appellant').
- 1.2. An application for planning permission was submitted to the London Borough of Richmond upon Thames ('the Council') on 10th August 2018. The application was reported to the Council's Planning Committee on 18th September 2019 with a recommendation for refusal. The application was refused at planning committee and the Decision Notice was issued on 19th September 2019.
- 1.3. The third reason for refusal related to the provision of affordable housing and stated:
- 1.4. Reason for Refusal 3 - Affordable housing

The proposed on-site affordable housing provision, by reason of its oversized unit sizes and under provision of affordable units on site below the percentage required, would fail to meet any priority needs for rented affordable housing. The proposed shared ownership units would fail to meet the affordability criteria in the Intermediate Housing Policy and would fail to adequately contribute to the Borough's housing stock or maximise affordable housing. The proposal would therefore be contrary to policy, in particular, the NPPF, policies 3.13 of the London Plan (2016) and LP 36 of the adopted Local Plan (2018) and the Mayor's Affordable Housing & Viability SPG and the Local Planning Authority's Affordable Housing SPD.
- 1.5. At the date of the Decision Notice, the Appellant had offered eight (8) on-site affordable homes, all of which would be provided as Intermediate tenure housing for sale on a shared ownership basis.
- 1.6. Subsequent discussions with the Council led to an improved Affordable Housing Offer being made on 21st December 2020. The Appellant's Revised Affordable Housing Offer now comprises ten (10) on-site affordable homes, of which eight (8) would be provided for rent (at London Affordable Rent levels) and two (2) would be provided as intermediate tenure for sale on a shared ownership basis, in accordance with the Council's affordability criteria (set out in Core Document CDE28)
- 1.7. The Appellant's Revised Affordable Housing Offer is subject to the availability of a total of £699,000 public funding. In the event that this level of public funding is not secured, then the Revised Affordable Housing Offer will cascade down to a minimum level of five (5) affordable homes, of which four (4) will be provide for rent (at London Affordable Rent levels) and one (1) home will be provided for intermediate tenure for sale on a shared ownership basis.

1.8. The purpose of this note is to confirm matters that are agreed as common ground and to provide Heads of Terms for the definitions and obligations relating to Affordable Housing within the eventual S106 Agreement.

2. Matters Agreed as Common Ground

2.1. I confirm that all financial appraisal input assumptions are agreed with Bespoke Property Group, as documented at **Appendix 1**.

2.2. The agreed financial appraisal input assumptions at **Appendix 1** should (in conjunction with agreed definitions and obligations) form the basis of any subsequent Early Stage or Late Stage Viability Review that is required by the S.106 Agreement.

3. Revised Affordable Housing Offer

3.1. I confirm that the Appellants Revised Affordable Housing Offer is as follows:

- Ten (10) dwellings as per the schedule provided at **Appendix 2**, subject to public funding of £699,000 being confirmed prior to Commencement of Development

3.2. I confirm that the Council have agreed that the public funding required to enable the Appellants Revised Affordable Housing Offer comprises:

- £280,000 from the Greater London Authority (GLA) Affordable Homes Programme
- £419,000 from the Council's Housing Capital Programme

3.3. I confirm that it is agreed that funding will not be available from the GLA Affordable Homes Programme if the level of on-site affordable housing provision falls below 40% of total proposed habitable rooms.

3.4. In my opinion, funding from the Council's Housing Capital Programme relates solely to affordable homes provided in excess of the level of provision that is considered to be viable without recourse to public funding (the "Appellants Without Grant Affordable Housing Offer").

3.5. I confirm that the Appellants Without Grant Affordable Housing Offer is as follows:

- Five (5) dwellings as per the schedule provided at **Appendix 2**.

3.6. I confirm that this Without Grant Affordable Housing Offer has been informed by discussions with Richmond Housing Partnership and copy email correspondence is provided at **Appendix 3**.

3.7. I confirm that the options for increasing the supply of affordable housing via the use of public subsidy has been discussed with the Council and copy email correspondence is provided at **Appendix 4**.

3.8. I confirm that if public funding is not available from the GLA Affordable Homes Programme, then the Appellants Reduced Affordable Housing Offer is as follows:

- Eight (8) dwellings, as per the schedule provided at **Appendix 2**, subject to public funding of £419,000 from the Council's Housing Capital Programme being confirmed prior to Commencement of Development.

3.9. I confirm that if the public funding provided from the Council's Housing Capital Programme reduces below the agreed level of £419,000, then the number of affordable homes that can be delivered shall be as set in the schedule provided at **Appendix 2**.

3.10. I confirm agreement that the use of public subsidy shall always be used to maximise the number of affordable dwellings provided for rented tenure, in order to meet priority needs in the Council's administrative area.

4. Revised Financial Appraisal Outcomes

4.1. Revised financial appraisal outcomes for the affordable housing options that I consider to be viable with and without public subsidy are summarised at **Appendix 5**.

4.2. The outcomes are further summarised below:

- 10 x Affordable Homes (8 x LAR and 2 x LSO) with public subsidy of £669,000 – generates a viability deficit of (£63,318). This deficit equates to 0.448% of GDV and is considered to be acceptable as a *de minimis* position.
- 8 x Affordable Homes (6 x LAR and 2 x LSO) with public subsidy of £419,000 – generates a viability deficit of (£6,213). This deficit equates to 0.043% of GDV and is considered to be acceptable as a *de minimis* position.
- 7 x Affordable Homes (6 x LAR and 1 x LSO) with public subsidy of £345,000 – generates a viability deficit of (£279). This deficit equates to 0.002% of GDV and is considered to be acceptable as a *de minimis* position.
- 6 x Affordable Homes (5 x LAR and 1 x LSO) with public subsidy of £165,000 – generates a viability deficit of (£563). This deficit equates to 0.004% of GDV and is considered to be acceptable as a *de minimis* position.
- 5 x Affordable Homes (4 x LAR and 1 x LSO) without public subsidy – generates a viability surplus of £39,526, which equates to 0.263% of GDV.

4.3. Copies of Argus Developer financial appraisal summaries for the above scenarios are provided at Appendix 6. Live Argus Developer files can be provided for scrutiny on request.

4.4. I highlight the assumption made in respect of S.106 financial contributions – any increase above the assumed level of £94,362 will impact on the quantum and / or tenure of affordable housing that can be provided.

5. Proposed S106 Heads of Terms

5.1. Proposed definition and obligations in respect of affordable housing matters are provided at **Appendix 7**, subject to further discussion and agreement between the Appellant and Council solicitors.

5.2. In essence, the Appellant agrees to the following points:

- The Affordable Housing offer will be subject to both Early and Late Stage Viability Review;
- The Reviews will be based on the GLA formulas to calculate uplift in Developer Profit between the agreed viability outcome at planning permission stage and on review.
- The Council will receive 60% of any uplift in Developer Profit, subject to a maximum of £768,883 in the event that 10 affordable homes are provided on site, or a maximum of £2,274,364 if 5 affordable homes are provided on site.
- The Benchmark Land Value will be defined as £1,665,000 as agreed
- The planning permission stage Gross Development Value and Gross Development Costs shall be defined within the S.106 Agreement for comparison with actual values and costs at each Review date.
- The Council shall confirm the level of public subsidy that is available prior to commencement of development

5.3. I am available to provide additional advice in respect of S106 provisions and the potential impact of increased or reduced financial contributions towards other community and planning benefits during the Inquiry.

6. Statement of Truth and Declaration

6.1. Statement of truth

I confirm that I have made clear which facts and matters referred to in this position statement are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

6.2. Declaration

I confirm that this position statement has drawn attention to all material facts which are relevant and have affected my professional opinion.

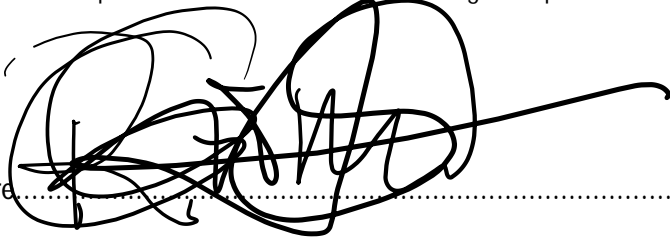
I confirm that I understand and have complied with my duty as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

I confirm that I am not instructed under any conditional or other success-based fee arrangement.

I confirm that I have no conflicts of interest.

I confirm that my evidence complies with the requirements of the RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement Surveyors acting as expert witnesses.

Signature.....

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over a dotted line.

Date 22nd December 2020

7. Appendices

Appendix 1 – Agreed Financial Appraisal Assumptions



Item	Arlington Works - Financial Appraisal Assumptions	Date of Agreement
Existing Use Value of Property	£1,385,182	Dec-18
Landowner Premium	20.00%	Mar-19
Benchmark Land Value	£1,665,000	Mar-19
Market Residential Sales Pricing	A total of £14,408,000 (equating to £795 per sqft) was originally agreed for the entire development of 24 apartments. We propose to revert to this position, having considered market activity since August 2018 when our report was issued.	Dec-20
Residential Ground Rents (Market Units Only)	1-bedroom apartment - £275 per annum	Dec-20
	2-bedroom apartment - £300 per annum	Dec-20
	3-bedroom apartment - £350 per annum	Dec-20
Residential Ground Rent Yield	5.00%	Dec-18
Affordable Housing Pricing	Based on advice received from Richmond Housing Partnership (attached separately)	Dec-20
Commercial Valuation Assumptions	Class B1c (Office) - ERV of £25 per sqft, capitalised at an all-risks yield of 6.50%	Mar-19
Commercial Rent-free Period	Excluded	Mar-19
Acquisition Costs – SDLT	As HMRC Rates	Dec-20
Acquisition Costs – Agent Fee	1% of Residual Land Value	Dec-20
Acquisition Costs – Legal Fee	0.50% of Residual Land Value	Dec-20
Construction Costs	£7,367,210 as per K2 Rider Hunt Report of 7th May 2019	Jun-19
Contingency	5% of construction costs (included above)	Dec-18
Network Rail Asset Protection Fees	£30,000	Dec-20
Borough CIL	Calculated in accordance with the CIL Charging Schedule, subject to indexation to 2021 at RICS published rate.	Dec-20
Mayoral CIL2	Calculated in accordance with the CIL Charging Schedule, subject to indexation to 2021 at RICS published rate.	Dec-20
S106 Financial Contributions	A total of £94,362 including carbon off-set & air quality and open space contributions (including Council Monitoring Fee).	Dec-20
Professional Fees	12% of Construction Costs (inc. town planning & survey costs)	Dec-18
Marketing / Letting & Disposal Costs	Market Residential - 3.00% of GDV	Dec-18
	Commercial Investment - 15.00% of GDV	Dec-18
Finance Debit Rate	7.00% (including all arrangement & exit fees)	Dec-18
Developer Profit	Market Housing - 20.00% of GDV	Dec-18
	Residential Ground Rent Investment - 20.00% of GDV	
	Commercial Investment - 15.00% of GDV	
	Affordable Housing - 6.00% of GDV	
Development Period	Purchase - 1 month	Dec-18
	Pre-construction - 6-months	
	Construction - 18 months	
	Sale - 6 months	
	Total development period - 31-months	

Appendix 2 – Final Affordable Housing Dwelling Mix Outcomes



Arlington Works - Accommodation Schedule										10 Affordable Homes	8 Affordable Homes	7 Affordable Homes	6 Affordable Homes	5 Affordable Homes
Available Public Subsidy										£699,000	£419,000	£345,000	£165,000	£0
Unit	Type	Floor	Building	External Amenity	Beds	Persons	Hab Room	NSA (sqm)	NSA (sqft)	Proposed Tenure	Proposed Tenure	Proposed Tenure	Proposed Tenure	Proposed Tenure
1	Apartment	Ground	Main	Direct Garden Access	2	4	3	74	797	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent	Market
2	Apartment	Ground	Main	Direct Garden Access	2	3	3	62	667	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Shared Ownership	London Shared Ownership
3	Apartment	Ground	Main	Direct Garden Access	2	3	3	62	667	London Affordable Rent	London Shared Ownership	London Shared Ownership	Market	Market
4	Apartment	Ground	Main	Direct Garden Access	1	2	2	51	549	London Affordable Rent	London Shared Ownership	Market	Market	Market
5	Apartment	Ground	Main	Direct Garden Access	3	4	4	76	818	Market	Market	Market	Market	Market
6	Apartment	First	Main	Balcony	3	4	4	76	818	Market	Market	Market	Market	Market
7	Apartment	First	Main	Balcony	1	2	2	51	549	London Shared Ownership	Market	Market	Market	Market
8	Apartment	First	Main	Balcony	2	4	3	76	818	London Shared Ownership	Market	Market	Market	Market
9	Apartment	First	Main	Balcony	2	4	3	76	818	Market	Market	Market	Market	Market
10	Apartment	First	Main	Balcony	1	2	2	51	549	Market	Market	Market	Market	Market
11	Apartment	First	Main	Balcony	3	4	4	76	818	Market	Market	Market	Market	Market
12	Apartment	Second	Main	Balcony	3	4	4	76	818	Market	Market	Market	Market	Market
13	Apartment	Second	Main	Balcony	1	2	2	51	549	Market	Market	Market	Market	Market
14	Apartment	Second	Main	Balcony	2	4	3	76	818	Market	Market	Market	Market	Market
15	Apartment	Second	Main	Balcony	2	4	3	76	818	Market	Market	Market	Market	Market
16	Apartment	Second	Main	Balcony	1	2	2	51	549	Market	Market	Market	Market	Market
17	Apartment	Second	Main	Balcony	3	4	4	76	818	Market	Market	Market	Market	Market
18	Apartment	Third	Main	Balcony	2	4	3	72	775	Market	Market	Market	Market	Market
19	Apartment	Third	Main	Balcony	2	4	3	71	764	Market	Market	Market	Market	Market
20	Apartment	Third	Main	Balcony	2	4	3	78	840	Market	Market	Market	Market	Market
21	Apartment	Ground	Small Block	Direct Garden Access	2	3	3	62	667	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent
22	Apartment	Ground	Small Block	Direct Garden Access	2	3	3	62	667	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent
23	Duplex	First/Second	Small Block	Balcony	3	5	4	101	1087	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent
24	Duplex	First/Second	Small Block	Balcony	3	5	4	101	1087	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent	London Affordable Rent
Total							74	1,684	18127					

Appendix 3 – Richmond Housing Partnership Pricing Advice

From: [Avril Roberts](#)
To: [Robert Grimshaw](#)
Subject: RE: Affordable Housing Indicative Pricing - Planning Appeal - Arlington Works, St Margaret's
Date: 01 December 2020 11:53:52
Attachments: [image836117.png](#)
[Copy of Arlington Works AH Pricing Matrix.xlsx](#)

Hello Robert,

Tim has forwarded your email onto me to respond. Thank you for sending this opportunity through, it is certainly of interest, and I hope we can help with your client's appeal by putting forward an offer.

I have attached your pricing matrix with our units prices inputted. These are highly indicative and our eventual offer would depend on a number of factors, in particular the units to be acquired and what tenure they will be. Our package price offer is likely to change as the scheme emerges and the units we would acquire becomes clear.

I should also mention that I used a higher level of London Affordable Rent as these have been updated for 20/21, I have changed this on the pricing matrix. I used your valuation advice for the Shared Ownership and London Living Rent units. I also assumed we would not attract GLA grant on the scheme.

Our unit prices are also subject to:

- Contract
- Full, independent Red Book Valuation
- Due Diligence
- Internal Approval
- Full planning permission and acceptable S106 agreement
- Specification.

I hope this is helpful for the planning appeal and your discussions with the Council, and I look forward to hearing back from you.

Kind regards
Avril

Avril Roberts **New Business Advisor**

RHP, 8 Waldegrave Road
Teddington, TW11 8GT

t: 020 3166 2347

m: 07949 885877

w: www.rhp.org.uk

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From: Robert Grimshaw <robert@grimshawconsulting.com>

Sent: 25 November 2020 16:01

To: Tim Willcocks <Tim.Willcocks@rhp.org.uk>

Subject: FW: Affordable Housing Indicative Pricing - Planning Appeal - Arlington Works, St Margaret's

This email has been sent from outside of RHP, please proceed with caution.

Dear Tim

I trust that you, your family and colleagues are well and taking care during this difficult time?

I would be grateful if you could review the following details and come back to me ASAP to confirm whether MTVH are able to provide indicative unit pricing to assist in the planning appeal process. I would appreciate your earliest response, as we will need to submit evidence within the next 10 working days.

Introduction

I act for the owners of Arlington Works, Arlington Road, St Margaret's TW1 2BB, which is the subject of a Planning Appeal (reference APP/L5810/W/20/3249153). I am instructed to contact Registered Providers of affordable housing to inform the viability assessment of the proposed development, in accordance with LB Richmond Local Plan Policy LP36, which states:

"...Where on-site provision is required, an application should be accompanied by evidence of meaningful discussions with a Registered Provider which have informed the proposed tenure, size of units and design to address local priorities and explored funding opportunities...."

The Council also require all viability assessments that accompany planning applications to justify affordable housing pricing assumptions via evidence received from Registered Providers, including whether grant funding might be available.

Proposed Development

The proposed development comprises retention and refurbishment of a Victorian Mews to provide 6,568 sqft (610sqm) GIA of Class B1 office space, the demolition of about 4,307sqft (400.1sqm) of existing dilapidated workshop premises, removal of the existing waste oil recycling facility and redevelopment to provide a total of 24 residential apartments within two buildings, with associated car parking (21 residential spaces and 2 commercial spaces).

Affordable Housing Pricing

To inform our discussions with the Council and their advisors, I would be grateful if you could complete the attached pricing matrix for 4 x unit types on the basis of the tenure assumptions highlighted in the matrix. We have provided information relating to rents and intermediate house affordability criteria. We would appreciate pricing indications assuming no grant funding and market values equating to an average of £8,310 per sqm (£772 per sqft).

I trust that you will be able to assist me and will follow-up with a call by the end of this week to check whether additional information is required.

Kind regards

Rob

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

Richmond Housing Partnership Response 1st December 2020

	Unit Type	1b2p flat	2b3p flat	2b4p flat	3b6p flat
Tenure	GIA (sqm)	51	62	74	101
	GIA (sqft)	549	667	797	1087
London Affordable Rent	Rent per week	£ 159.32	£ 168.67	£ 168.67	£ 178.05
	Unit Price (nil grant)	£166,005	£201,810	£240,870	£328,755
Local Housing Allowance (Outer South West London BRMA)	Rent per week	£ 241.64	£ 304.93	£ 304.93	£ 368.22
	Unit Price (nil grant)	£216,546	£263,252	£314,204	£428,846
London Living Rent (Twickenham Riverside Ward)	Rent per week	£ 269.31	£ 299.31	£ 299.31	£ 329.31
	Unit Price (nil grant)	£222,309	£270,258	£322,566	£440,259
Shared Ownership (LB Richmond Income Cap) Average Market Value £8,310 per sqm	Income Cap (Gross)	£ 47,000.00	£ 47,000.00	£ 47,000.00	£ 47,000.00
	Unit Price (nil grant)	£228,072	£277,264	£330,928	£451,672
London Shared Ownership (London Plan Income Cap) Average Market Value £8,310 per sqm	Income Cap (Gross)	£ 90,000.00	£ 90,000.00	£ 90,000.00	£ 90,000.00
	Unit Price (nil grant)	£236,742	£287,804	£343,508	£468,842

Appendix 4 – Email Correspondence with Paul Bradbury 21st December 2020

From: [Robert Grimshaw](#)
To: [Bradbury, Paul](#)
Cc: [Ruegg, Ian](#); [Dyson, Fiona](#); [Simon Devitt](#); [Villars, Phil](#); [Bryant, Jamie](#); [Hockin, Sophie](#)
Subject: RE: Arlington Works - Viability and Affordable Housing
Date: 21 December 2020 17:12:00

Paul

Thank you for confirming that the offer for 10 Affordable Homes is agreed, subject to the availability of grant funding.

I will draft a note confirming Heads of Terms for your approval.

I have copied our professional planning team – no doubt they will contact Fiona regarding the potential removal of the third reason for refusal and the SoCG.

Thank you for your assistance with this matter.

Kind regards

Rob

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

From: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>
Sent: 21 December 2020 17:08
To: Robert Grimshaw <robert@grimshawconsulting.com>
Cc: Ruegg, Ian <Ian.Ruegg@richmondandwandsworth.gov.uk>; Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>; Simon Devitt <simon.devitt@bpglimited.co.uk>
Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Robert

I understand that the SoCG has already been finalised so I am proceeding with completion of my evidence and can confirm our preference for Option 2 (or alternative provision as may be agreed in cascade arrangements) subject to procedural approvals for the necessary grant funding and agreeing appropriate wording in the Section 106 for which we I understand are yet to see a draft.

Thank you for your clarification

Regards

Paul Bradbury

Development Project Officer-Housing and Regeneration Department
Serving Richmond and Wandsworth Councils

Direct Line: 0208 871 6313 or 0208 891 7446

www.richmond.gov.uk paul.bradbury@richmondandwandsworth.gov.uk

I work part time, normally on Monday, Wednesday and Thursday

From: Robert Grimshaw <robert@grimshawconsulting.com>

Sent: 21 December 2020 15:50

To: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Subject: Re: Arlington Works - Viability and Affordable Housing

Paul

Yes. I can confirm that.

Kind regards

Rob

Robert Grimshaw

Director

Grimshaw Consulting Limited

t: 07500 228154

e: robert@grimshawconsulting.com

Sent from my iPhone

On 21 Dec 2020, at 15:47, Bradbury, Paul

<Paul.Bradbury@richmondandwandsworth.gov.uk> wrote:

Official

Robert

Can you clarify whether the Appellant is prepared to deliver Option 2 with the deficit as stated.

Thanks

Paul Bradbury

Development Project Officer-Housing and Regeneration Department

Serving Richmond and Wandsworth Councils

Direct Line: 0208 871 6313 or 0208 891 7446

www.richmond.gov.uk paul.bradbury@richmondandwandsworth.gov.uk

I work part time, normally on Monday, Wednesday and Thursday

From: Robert Grimshaw <robert@grimshawconsulting.com>

Sent: 21 December 2020 15:21

To: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Cc: Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>; Simon Devitt <simon.devitt@bpglimited.co.uk>; Devitt, Simon <Simon.Devitt@richmondandwandsworth.gov.uk>; Jones, Chris (Wandsworth) <Chris.Jones@richmondandwandsworth.gov.uk>; Ruegg, Ian <Ian.Ruegg@richmondandwandsworth.gov.uk>; Villars, Phil <philip.villars@wsp.com>; Bryant, Jamie <jamie.bryant@wsp.com>; Hockin, Sophie <sophie.hockin@wsp.com>

Subject: RE: Arlington Works - Viability and Affordable Housing

Hi Paul

I propose the following which I trust will be acceptable to the Council:

1. Without Grant Funding – we provide 5 AH units, including 4 x LAR (the small block) and 1 x LSO (a 2b3p flat). This should be the starting point in the S106 Agreement, as it is not dependent on the provision of grant funding and can be delivered.
2. With Grant Funding – we provide a maximum of 10 AH units, including 8 x LAR and 2 x LSO. This is subject to total public subsidy of £699,000 being secured, comprising £280,000 from the GLA and £419,000 from LBR. Please note that this option produces a viability deficit of approximately (£63,000)
3. I will produce a table that shows the cascade impact of reducing public subsidy levels from 10 AH units as (2) above to 5 AH units as (1) above. This can be included within the S.106 Agreement.
4. The S106 Agreement will contain Early & Late State Review mechanisms.

I would be grateful if you could respond to this proposal as a matter of urgency. Upon receipt of confirmation, I will document matters agreed as Common Ground.

Kind regards

Rob

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

From: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>
Sent: 21 December 2020 14:38
To: Robert Grimshaw <robert@grimshawconsulting.com>
Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Robert

1 and 2 you are correct about the funding scenario

What happened to the 11 shared ownership viable option including Mayoral funding- I would suggest this is an option to revert to instead of the 8 assuming our affordability requirements are met?

So either of this and the 5 affordable option would be ok but I would need to take further advice to confirm- it's a question of delivery of numbers versus delivery of priority tenure. I suspect it will be the delivery of rented units as a priority.

Paul

From: Robert Grimshaw <robert@grimshawconsulting.com>
Sent: 21 December 2020 14:24
To: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>
Cc: Simon Devitt <simon.devitt@bpplimited.co.uk>; Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>
Subject: RE: Arlington Works - Viability and Affordable Housing

Paul

Sorry about this – I really do need some clarity from you:

1. 10 Affordable Units (8 x LAR & 2 x LSO) – public funding totalling is £699,000, comprising GLA - £280,000 and LBR - £419,000. Is this correct?
2. 8 x Affordable Units (6 x LAR & 2 x LSO) – public funding requirement is £419,000 which would come solely from LBR. Is this correct?

If grant funding is not secured, which option do we revert to? Is it:

- a. 8 x LSO units? or
- b. 5 AH units (4 x LAR & 1 x LSO)?

I would be grateful if you could confirm so that I can update the Appellant professional team.

Kind regards

Rob

Robert Grimshaw
Director
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T: 07500 228154
E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

From: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>
Sent: 21 December 2020 13:50
To: Robert Grimshaw <robert@grimshawconsulting.com>
Cc: Simon Devitt <simon.devitt@bpplimited.co.uk>; Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>
Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Robert

I'm assuming the figure will be £419,000 otherwise please clarify with Simon the reason for any increase costs and consequent increase in grant compared with

your 8 Dec viability summary

Paul

From: Robert Grimshaw <robert@grimshawconsulting.com>

Sent: 21 December 2020 13:37

To: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Subject: RE: Arlington Works - Viability and Affordable Housing

Hi Paul

- LAR – 4 x 2b & 2 x 3b
- LSO – 1 x 1b & 1 x 2b

I'm looking at the numbers assuming public subsidy of £699,436 for 10 x AH units at the moment and will come back to you to discuss. What's the best telephone number to reach you on?

Kind regards

Rob

Robert Grimshaw

Director

Grimshaw Consulting Limited

T: 07500 228154

E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

From: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Sent: 21 December 2020 13:31

To: Robert Grimshaw <robert@grimshawconsulting.com>

Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Robert

For the record what is the unit size mix and location for the new 8 unit (6 rent, 2 s/o) option

Thanks

Paul Bradbury

Development Project Officer-Housing and Regeneration Department

Serving Richmond and Wandsworth Councils

Direct Line: 0208 871 6313 or 0208 891 7446

www.richmond.gov.uk paul.bradbury@richmondandwandsworth.gov.uk

I work part time, normally on Monday, Wednesday and Thursday

From: Robert Grimshaw <robert@grimshawconsulting.com>

Sent: 21 December 2020 13:20

To: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Cc: Simon Devitt <simon.devitt@bpglimited.co.uk>; Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>; Ruegg, Ian <Ian.Ruegg@richmondandwandsworth.gov.uk>; Jones, Chris (Wandsworth) <Chris.Jones@richmondandwandsworth.gov.uk>

Subject: RE: Arlington Works - Viability and Affordable Housing

Paul

Please clarify – are you saying that the Council will provide £413,000 in addition to GLA grant of £280,000 (£28,000 per dwelling) for the 10 AH unit option you have referred to below? i.e. total public subsidy of £693,000?

Regards

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Registered Office: Bridge House, 11 Creek Road, East Molesey, Surrey KT8 9BE
Director: Robert C Grimshaw

From: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>

Sent: 21 December 2020 11:55

To: Robert Grimshaw <robert@grimshawconsulting.com>
Cc: Simon Devitt <simon.devitt@bpglimited.co.uk>; Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>; Ruegg, Ian <Ian.Ruegg@richmondandwandsworth.gov.uk>; Jones, Chris (Wandsworth) <Chris.Jones@richmondandwandsworth.gov.uk>
Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Robert

I refer to your Options 'for discussion' 8 December.

I understand from Simon Devitt that your summary therein is based on inputs that he has agreed with you, and he will be providing his report accordingly although not until the New Year on his return to the office.

Housing and Regeneration colleagues have discussed the options with our Lead Member for Adult Social Service and Housing and she has agreed in principle to grant funding from our Housing Capital Programme to support delivery of the 10 unit scheme (8 London Affordable Rent and 2 Shared Ownership). We confirmed to her that this would involve grant funding of £413,000 to cover the deficit which you have confirmed would be required.

My instruction is to seek confirmation from the Appellant as to whether they would be prepared to agree a level of deficit to enable them to proceed 'at risk' but that would reduce our grant support.
Could you advise accordingly.

I suggest that this is dealt with in the S106 by specifying the level of Richmond grant support subject to formal confirmation of the RP offer at the date of commencement (or other agreed milestone). To date I have not seen any S106 draft but will comment further as required.

Given that these options have been presented very recently, my evidence will need to be finalised on the basis of the Appellant's offer at the time of refusal of the application but also refer to further ongoing discussions with matters yet to be resolved. However I hope this clarifies the Council's position from a housing perspective, notwithstanding the other planning considerations.

Paul Bradbury

Development Project Officer-Housing and Regeneration Department

Serving Richmond and Wandsworth Councils

Direct Line: 0208 871 6313 or 0208 891 7446

www.richmond.gov.uk paul.bradbury@richmondandwandsworth.gov.uk

I work part time, normally on Monday, Wednesday and Thursday

From: Robert Grimshaw <robert@grimshawconsulting.com>
Sent: 18 December 2020 15:26
To: Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>
Cc: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>; Simon Devitt <simon.devitt@bpglimited.co.uk>; Devitt, Simon <Simon.Devitt@richmondandwandsworth.gov.uk>; Villars, Phil <philip.villars@wsp.com>; Bryant, Jamie <jamie.bryant@wsp.com>; Hockin, Sophie <sophie.hockin@wsp.com>
Subject: RE: Arlington Works - Viability and Affordable Housing

Dear Fiona

Noted. Thank you for confirming.

Kind regards

Rob

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Registered Office: Bridge House, 11 Creek Road, East Molesey, Surrey KT8 9BE
Director: Robert C Grimshaw

From: Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>
Sent: 18 December 2020 14:22
To: Robert Grimshaw <robert@grimshawconsulting.com>
Cc: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>; Simon Devitt <simon.devitt@bpglimited.co.uk>; Devitt, Simon <Simon.Devitt@richmondandwandsworth.gov.uk>; Villars, Phil <philip.villars@wsp.com>; Bryant, Jamie <jamie.bryant@wsp.com>; Hockin, Sophie <sophie.hockin@wsp.com>
Subject: RE: Arlington Works - Viability and Affordable Housing

Official

Dear Robert,

I've just spoken to Ian Ruegg, there will be an internal meeting on Monday morning to discuss this, then someone will be in touch with you then.

Kind regards,
Fiona

Fiona Dyson (*P/T Mondays, Tuesdays, Wednesdays am*)
Senior Planning Officer - Development Management (Richmond North)
Serving Richmond and Wandsworth Councils
Tel: 020 8891 1411
Email: fiona.dyson@richmondandwandsworth.gov.uk
Web: www.richmond.gov.uk

From: Robert Grimshaw <robert@grimshawconsulting.com>
Sent: 18 December 2020 10:20
To: Dyson, Fiona <Fiona.Dyson@richmondandwandsworth.gov.uk>
Cc: Bradbury, Paul <Paul.Bradbury@richmondandwandsworth.gov.uk>; Simon Devitt <simon.devitt@bpplimited.co.uk>; Devitt, Simon <Simon.Devitt@richmondandwandsworth.gov.uk>; Villars, Phil <philip.villars@wsp.com>; Bryant, Jamie <jamie.bryant@wsp.com>; Hockin, Sophie <sophie.hockin@wsp.com>
Subject: Arlington Works - Viability and Affordable Housing

Dear Fiona

Further to my email correspondence of yesterday (17:32 and 18:55), please advise whether you (or indeed Paul or Simon) wish to schedule a call this morning to discuss further, with a view to reaching an agreement.

I look forward to receiving your earliest response.

Kind regards

Robert Grimshaw
Director
Grimshaw Consulting Limited
T: 07500 228154
E: robert@grimshawconsulting.com

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Director: Robert C Grimshaw

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Appendix 5 – Financial Appraisal Outcome Summaries



Arlington Works - Financial Appraisal Outcomes - Final Options 22nd December 2020					
Development Cost / Revenue	10 AH Units (8 x LAR & 2 x LSO)	8 AH Units (6 x LAR & 2 x LSO)	7 AH Units (6 x LAR & 1 x LSO)	6 x AH Units (5 x LAR & 1 x LSO)	5 x AH Units (4 x LAR & 1 x LSO)
Development Revenue - Market Housing	£ 8,405,000	£ 9,490,000	£ 9,935,000	£ 10,465,000	£ 11,090,000
Development Revenue - Affordable Housing	£ 2,430,625	£ 2,028,356	£ 1,781,074	£ 1,579,264	£ 1,331,388
Development Revenue - GLA Grant Funding	£ 280,000	£ -	£ -	£ -	£ -
LB Richmond Grant Funding	£ 419,000	£ 419,000	£ 345,000	£ 165,000	£ -
Total Grant Funding	£ 699,000	£ 419,000	£ 345,000	£ 165,000	£ -
Development Revenue - Residential Ground Rents	£ 87,500	£ 99,000	£ 104,500	£ 110,500	£ 116,500
Development Revenue - Commercial Units	£ 2,517,308	£ 2,517,308	£ 2,517,308	£ 2,517,308	£ 2,517,308
Total Development Revenue	£ 14,139,433	£ 14,553,664	£ 14,682,882	£ 14,837,072	£ 15,055,196
Acquisition Costs – SDLT	£ 69,584	£ 72,439	£ 72,736	£ 72,722	£ 74,726
Acquisition Costs – Agent Fee	£ 16,017	£ 16,588	£ 16,647	£ 16,644	£ 17,045
Acquisition Costs – Legal Fee	£ 8,008	£ 8,294	£ 8,324	£ 8,322	£ 8,523
Construction Costs	£ 7,367,210	£ 7,367,210	£ 7,367,210	£ 7,367,210	£ 7,367,210
Network Rail Asset Protection Fees	£ 30,000	£ 30,000	£ 30,000	£ 30,000	£ 30,000
Contingency	included	included	included	included	included
Mayoral CIL Contributions	£ 67,441	£ 80,293	£ 85,454	£ 91,728	£ 99,217
Borough CIL Contributions	£ 294,524	£ 350,651	£ 373,191	£ 400,591	£ 433,296
S106 Contributions	£ 94,362	£ 94,362	£ 94,362	£ 94,362	£ 94,362
Professional Fees	£ 887,665	£ 887,665	£ 887,665	£ 887,665	£ 887,665
Marketing, Letting & Disposal Costs	£ 629,746	£ 662,296	£ 675,646	£ 691,546	£ 710,296
Finance Costs	£ 809,471	£ 882,974	£ 893,217	£ 913,874	£ 928,933
Developer Profit	£ 2,263,723.00 16.01%	£ 2,442,105.00 16.78%	£ 2,513,709.00 17.12%	£ 2,597,971.00 17.51%	£ 2,699,397.00 17.93%
Total Development Costs	£ 12,537,751	£ 12,894,877	£ 13,018,161	£ 13,172,635	£ 13,350,670
Residual Land Value	£ 1,601,682	£ 1,658,787	£ 1,664,721	£ 1,664,437	£ 1,704,526
Viability Benchmark	£ 1,665,000	£ 1,665,000	£ 1,665,000	£ 1,665,000	£ 1,665,000
Viability Surplus / (Deficit)	-£ 63,318	-£ 6,213	-£ 279	-£ 563	£ 39,526
Viability Surplus / (Deficit) as % GDV	-0.448%	-0.043%	-0.002%	-0.004%	0.263%

Appendix 6 – Argus Developer Financial Appraisals

Arlington Works (Appeal with 5 AH)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

CONFIDENTIAL

Development Appraisal
Prepared by Robert Grimshaw
Grimshaw Consulting Limited
22 December 2020

Arlington Works (Appeal with 5 AH)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
Market Residential (Main Block)	19	13,950	794.98	583,684	11,090,000
London Affordable Rent (Small Block)	4	3,509	302.40	265,282	1,061,130
London Shared Ownership (Main Block)	1	667	405.18	270,258	270,258
Totals	24	18,126			12,421,388

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Mew Commercial (C1 to C7)	7	6,545	25.00	23,375	163,625	163,625
Residential Ground Rents	1			5,825	5,825	5,825
Totals	8	6,545			169,450	169,450

Investment Valuation

Mew Commercial (C1 to C7)					
Current Rent	163,625	YP @	6.5000%	15.3846	2,517,308
Residential Ground Rents					
Current Rent	5,825	YP @	5.0000%	20.0000	116,500
Total Investment Valuation					2,633,808

GROSS DEVELOPMENT VALUE **15,055,196**

NET REALISATION **15,055,196**

OUTLAY

ACQUISITION COSTS

Residualised Price				1,704,526	
Stamp Duty (Land cost includes VAT)				74,726	1,704,526
Effective Stamp Duty Rate		4.38%			
Agent Fee		1.00%		17,045	
Survey		0.50%		8,523	
					100,294

CONSTRUCTION COSTS

Construction	ft²	Build Rate ft²	Cost
Construction Costs	29,364	250.89	7,367,210
Network Rail Asset Protection			30,000
Borough CIL			433,296
MCIL2			99,217
			7,929,723

Section 106 Costs

Section 106 Costs			94,362	
				94,362

PROFESSIONAL FEES

Professional Fees		12.00%	887,665	
				887,665

MARKETING & LETTING

Residential Marketing & Disposal		3.00%	332,700	
Commercial Marketing & Disposal		15.00%	377,596	
				710,296

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)				
Land			267,574	
Construction			512,008	
Other			149,350	
Total Finance Cost				928,933

TOTAL COSTS **12,355,799**

PROFIT

2,699,397

Arlington Works (Appeal with 5 AH)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Performance Measures

Profit on Cost%	21.85%
Profit on GDV%	17.93%
IRR% (without Interest)	24.05%

CONFIDENTIAL

Arlington Works (Appeal - 6 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

CONFIDENTIAL

Development Appraisal
Prepared by Robert Grimshaw
Grimshaw Consulting Limited
22 December 2020

Arlington Works (Appeal - 6 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Market Residential (Main Block)	18	13,154	795.58	581,389	10,465,000
London Affordable Rent (Small Block)	4	3,509	302.40	265,282	1,061,130
London Shared Ownership (Main Block)	1	667	415.69	277,264	277,264
London Affordable Rent (Main Block)	1	797	302.22	240,870	240,870
Affordable Housing Grant Funding	<u>1</u>	<u>0</u>	0.00	165,000	<u>165,000</u>
Totals	25	18,127			12,209,264

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Mew Commercial (C1 to C7)	7	6,545	25.00	23,375	163,625	163,625
Residential Ground Rents	<u>1</u>			5,525	<u>5,525</u>	<u>5,525</u>
Totals	8	6,545			169,150	169,150

Investment Valuation

Mew Commercial (C1 to C7)					
Current Rent	163,625	YP @	6.5000%	15.3846	2,517,308
Residential Ground Rents					
Current Rent	5,525	YP @	5.0000%	20.0000	110,500
Total Investment Valuation					2,627,808

GROSS DEVELOPMENT VALUE

14,837,072

NET REALISATION

14,837,072

OUTLAY

ACQUISITION COSTS

Residualised Price			1,664,436		1,664,436
Stamp Duty			72,722		
Effective Stamp Duty Rate		4.37%			
Agent Fee		1.00%	16,644		
Survey		0.50%	8,322		
					97,688

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Construction Costs	29,364	250.89	7,367,210
Network Rail Asset Protection			30,000
Borough CIL			400,591
MCIL2			91,728
			7,889,529

Section 106 Costs

Section 106 Costs			94,362		94,362
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PROFESSIONAL FEES

Professional Fees		12.00%	887,665		887,665
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MARKETING & LETTING

Residential Marketing & Disposal		3.00%	313,950		
Commercial Marketing & Disposal		15.00%	377,596		
					691,546

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land			261,244		
Construction			493,407		
Other			159,222		
Total Finance Cost					913,874

TOTAL COSTS

12,239,100

Arlington Works (Appeal - 6 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd
PROFIT

2,597,971

Performance Measures

Profit on Cost%	21.23%
Profit on GDV%	17.51%
IRR% (without Interest)	23.74%

CONFIDENTIAL

Arlington Works (Appeal - 7 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

CONFIDENTIAL

Development Appraisal
Prepared by Robert Grimshaw
Grimshaw Consulting Limited
22 December 2020

Arlington Works (Appeal - 7 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Market Residential (Main Block)	17	12,487	795.63	584,412	9,935,000
London Affordable Rent (Small Block)	4	3,509	302.40	265,282	1,061,130
London Shared Ownership (Main Block)	1	667	415.69	277,264	277,264
London Affordable Rent (Main Block)	2	1,464	302.38	221,340	442,680
Affordable Housing Grant Funding	<u>1</u>	<u>0</u>	0.00	345,000	<u>345,000</u>
Totals	25	18,127			12,061,074

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Mew Commercial (C1 to C7)	7	6,545	25.00	23,375	163,625	163,625
Residential Ground Rents	<u>1</u>			5,225	<u>5,225</u>	<u>5,225</u>
Totals	8	6,545			168,850	168,850

Investment Valuation

Mew Commercial (C1 to C7)					
Current Rent	163,625	YP @	6.5000%	15.3846	2,517,308
Residential Ground Rents					
Current Rent	5,225	YP @	5.0000%	20.0000	104,500
Total Investment Valuation					2,621,808

GROSS DEVELOPMENT VALUE

14,682,882

NET REALISATION

14,682,882

OUTLAY

ACQUISITION COSTS

Residualised Price			1,664,721		
Stamp Duty			72,736		1,664,721
Effective Stamp Duty Rate		4.37%			
Agent Fee		1.00%	16,647		
Survey		0.50%	8,324		
					97,707

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Construction Costs	29,364	250.89	7,367,210
Network Rail Asset Protection			30,000
Borough CIL			373,191
MCIL2			85,454
			7,855,855

Section 106 Costs

Section 106 Costs			94,362		
					94,362

PROFESSIONAL FEES

Professional Fees		12.00%	887,665		
					887,665

MARKETING & LETTING

Residential Marketing & Disposal		3.00%	298,050		
Commercial Marketing & Disposal		15.00%	377,596		
					675,646

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land				261,289	
Construction				479,930	
Other				151,998	
Total Finance Cost					893,217

TOTAL COSTS

12,169,172

Arlington Works (Appeal - 7 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd
PROFIT

2,513,709

Performance Measures

Profit on Cost%	20.66%
Profit on GDV%	17.12%
IRR% (without Interest)	23.54%

CONFIDENTIAL

Arlington Works (Appeal - 8 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

CONFIDENTIAL

Development Appraisal
Prepared by Robert Grimshaw
Grimshaw Consulting Limited
22 December 2020

Arlington Works (Appeal - 8 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Market Residential (Main Block)	16	11,938	794.94	593,125	9,490,000
London Affordable Rent (Small Block)	4	3,509	302.40	265,282	1,061,130
London Shared Ownership (Main Block)	2	1,216	431.37	262,273	524,546
London Affordable Rent (Main Block)	2	1,464	302.38	221,340	442,680
Affordable Housing Grant Funding	<u>1</u>	<u>0</u>	0.00	419,000	<u>419,000</u>
Totals	25	18,127			11,937,356

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Mew Commercial (C1 to C7)	7	6,545	25.00	23,375	163,625	163,625
Residential Ground Rents	<u>1</u>			4,950	<u>4,950</u>	<u>4,950</u>
Totals	8	6,545			168,575	168,575

Investment Valuation

Mew Commercial (C1 to C7)					
Current Rent	163,625	YP @	6.5000%	15.3846	2,517,308
Residential Ground Rents					
Current Rent	4,950	YP @	5.0000%	20.0000	99,000
Total Investment Valuation					2,616,308

GROSS DEVELOPMENT VALUE

14,553,664

NET REALISATION

14,553,664

OUTLAY

ACQUISITION COSTS

Residualised Price			1,658,786		1,658,786
Stamp Duty			72,439		
Effective Stamp Duty Rate		4.37%			
Agent Fee		1.00%	16,588		
Survey		0.50%	8,294		
				97,321	

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Construction Costs	29,364	250.89	7,367,210
Network Rail Asset Protection			30,000
Borough CIL			350,651
MCIL2			80,293
			7,828,154

Section 106 Costs

Section 106 Costs			94,362		94,362
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PROFESSIONAL FEES

Professional Fees		12.00%	887,665		887,665
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MARKETING & LETTING

Residential Marketing & Disposal		3.00%	284,700		
Commercial Marketing & Disposal		15.00%	377,596		
				662,296	

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land			260,352		
Construction			472,902		
Other			149,720		
Total Finance Cost				882,974	

TOTAL COSTS

12,111,559

Arlington Works (Appeal - 8 AH - Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd
PROFIT

2,442,105

Performance Measures

Profit on Cost%	20.16%
Profit on GDV%	16.78%
IRR% (without Interest)	23.25%

CONFIDENTIAL

Arlington Works (Appeal - 10 AH Policy Compliant Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Development Appraisal
Prepared by Robert Grimshaw
Grimshaw Consulting Limited
22 December 2020

Arlington Works (Appeal - 10 AH Policy Compliant Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Market Residential (Main Block)	14	10,571	795.10	600,357	8,405,000
London Affordable Rent (Small Block)	4	3,509	302.40	265,282	1,061,130
London Affordable Rent (Main Block)	4	2,680	302.42	202,624	810,495
AH Grant Funding	1	0	0.00	699,000	699,000
London Shared Ownership (Main Block)	2	1,367	408.92	279,500	559,000
Totals	25	18,127			11,534,625

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Mew Commercial (C1 to C7)	7	6,545	25.00	23,375	163,625	163,625
Residential Ground Rents	1			4,375	4,375	4,375
Totals	8	6,545			168,000	168,000

Investment Valuation

Mew Commercial (C1 to C7)					
Current Rent	163,625	YP @	6.5000%	15.3846	2,517,308
Residential Ground Rents					
Current Rent	4,375	YP @	5.0000%	20.0000	87,500
Total Investment Valuation					2,604,808

GROSS DEVELOPMENT VALUE **14,139,433**

NET REALISATION **14,139,433**

OUTLAY

ACQUISITION COSTS

Residualised Price			1,601,681		
Stamp Duty (Land cost includes VAT)			69,584		1,601,681
Effective Stamp Duty Rate		4.34%			
Agent Fee		1.00%	16,017		
Legal Fee		0.50%	8,008		
					93,609

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Construction Costs	29,364	250.89	7,367,210
Network Rail Asset Protection			30,000
Borough CIL			294,524
MCIL2			67,441
			7,759,175

Section 106 Costs

Section 106 Costs			94,362		
					94,362

PROFESSIONAL FEES

Professional Fees		12.00%	887,665		
					887,665

MARKETING & LETTING

Residential Marketing & Disposal		3.00%	252,150		
Commercial Marketing & Disposal		15.00%	377,596		
					629,746

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land			252,523		
Construction			446,697		
Other			110,251		
Total Finance Cost					809,471

TOTAL COSTS **11,875,710**

Arlington Works (Appeal - 10 AH Policy Compliant Grant Reqt)
Arlington Road, St Margarets TW1 2AZ
Sharpes Refinery Service (Hydro-Carbons) Ltd
PROFIT

2,263,723

Performance Measures

Profit on Cost%	19.06%
Profit on GDV%	16.01%
IRR% (without Interest)	23.25%

Appendix 7 – Proposed Heads of Terms for S106 Agreement

Definitions	
"Affordable Housing"	means low-cost housing made available to those households whose needs have not been met by the market
"Additional Affordable Housing Contribution"	<p>means the contribution (if payable) by the Developer towards the provision of Affordable Housing in the Council's administrative area in the event that:</p> <p>a) paragraph 1.7 of Part 3 of Schedule 1 applies in respect of the Early Stage Viability Assessment Surplus; and/or</p> <p>b) the Late Stage Viability Assessment concludes that the Development is viable and can support an Additional Affordable Housing Contribution being equivalent to the Late Stage Viability Assessment Surplus</p>
"Additional Affordable Housing Scheme"	means a scheme that in respect of the Early Stage Viability Assessment Surplus demonstrates how that sum will be used to enable conversion of the relevant number of Open Market Units to Intermediate Units (with the specific Open Market Units to be converted to Intermediate Units to be at the Developer's absolute discretion), and thereby to provide Additional Affordable Housing Units within the Development, and sets out the amount (if any) of any Affordable Housing Contribution payable towards offsite Affordable Housing if paragraph 1.7 of Part 3 of Schedule 1 applies
"Additional Affordable Housing Units"	means the additional Affordable Housing Units to be provided in the form of Intermediate Housing Units as a result of the conversion of Open Market Units using any Early Viability Assessment Surplus
"Affordable Housing Units"	means the Ten [10] affordable housing units shown edged red on [Plans xxxxxx] to be constructed on the Property pursuant to the Planning Permission comprising eight [8] Affordable Rent Housing Units and two (2) Intermediate Housing Units (or as agreed pursuant to an approved With Grant Tenure Mix and / or an approved Additional Affordable Housing Scheme) and any Additional Affordable Housing Units
"Affordable Rent"	means affordable rented housing let by a Registered Provider of social housing and subject to rent controls that such rents shall not exceed more than 80% of the local market rent

	<p>(including service charges where applicable), subject to rent levels being no greater than the weekly London Affordable Rent benchmarks set annually by the Greater London Authority, which for the financial year commencing on 1st April 2021 are as follows:</p> <ul style="list-style-type: none"> • 1-bedroom dwelling - £159.32 per week • 2-bedroom dwelling - £168.67 per week • 3-bedroom dwelling - £178.05 per week <p>Unless otherwise agreed in writing between the Council and the Developer.</p>
"Benchmark Gross Development Value"	means the sum of [£14,724,628], which is the level of GDV required to ensure that the Development does not make a financial loss
"Benchmark Land Value"	means the viability benchmark sum of £1,665,000 (one million six hundred and sixty-five thousand pounds) as evidenced in the Viability Assessment
"Build Costs"	means all reasonable and proper demolition and construction costs and related demolition and construction costs incurred by the Developer in carrying out the Development (including diversion and provision of utilities) and the cost of all necessary highway works on and outside the Property
"Certificate of Practical Completion"	means the final certificate issued by the Council certifying that the Affordable Housing Units have been completed to the reasonable satisfaction of the Council
"Commercial Units"	means the seven [7] units proposed for Class E Use within the retained and refurbished Mews building
"Completed Grant Funding Agreement"	means the Grant Funding Agreement entered into by the Council and a Nominated Housing Provider pursuant to paragraph 1.4.1 of Part 2 of Schedule 2 of this Deed
"Development Contributions"	means the aggregate of all sums paid by the Developer in relation to this Development pursuant to: <ul style="list-style-type: none"> a) the Community Infrastructure Levy; b) the Mayoral Community Infrastructure Levy; and c) this Deed

<p>"Early Stage Viability Assessment"</p>	<p>means a viability assessment to be carried out and submitted to the Council if required in accordance with Part 3 of Schedule 1 to this this Deed in order to determine whether an Early Stage Viability Assessment Surplus has been achieved, such assessment to apply the formula set out in the definition of Early Stage Viability Assessment Surplus</p>
<p>"Early Stage Viability Assessment Date"</p>	<p>means the date on which the period of two years from the discharge of the final pre-commencement planning condition attached to the Planning Permission expires, provided that a Material Start has not occurred</p>
<p>"Early Stage Viability Assessment Surplus"</p>	<p>means in relation to the Early Stage Viability Assessment the sum calculated in accordance with the following formula:</p> $X = ((A - B) - (C - D) - P) \times 0.6$ <p>Where</p> <p>X = the Early Stage Viability Assessment Surplus</p> <p>A = Revised Gross Development Value as determined at the Relevant Date (£)</p> <p>B = Benchmark Gross Development Value (£)</p> <p>C = Gross Development Costs as calculated at the Relevant Date (£)</p> <p>D = Gross Development Costs as calculated in the Viability Assessment (£)</p> $P = (A - B) \times 0.2$
<p>"GLA"</p>	<p>means the Greater London Authority</p>
<p>"Grant Funding Agreement"</p>	<p>means an agreement in substantially the same form as set out in Appendix 4 (or as agreed between the Parties) to be entered into by the Council and a Nominated Housing Provider in relation to Public Grant funding provided pursuant to Part 2 of Schedule 2 to this Deed providing that such agreement provides for payment of the With Grant Tenure Mix Cost from the Council to the Nominated Housing Provider</p>
<p>"Gross Development Costs"</p>	<p>means the costs incurred and/or expected to be</p>

	<p>incurred by the Developer in carrying out the Development including:</p> <ul style="list-style-type: none"> a) Land Acquisition Costs; b) Build Costs; c) Professional Fees; d) Marketing, Letting and Disposal Fees; e) Interest Costs; and f) Development Contributions. <p>as calculated in the Viability Assessment, the Early Stage Viability Assessment or the Late Stage Viability Assessment (as applicable)</p>
"Indexed"	<p>means increased in accordance with the formula whereby the relevant contribution is multiplied by the fraction A divided by B where B represents the value of the Retail Prices Index (All Items) as at the date of this Deed and A represents the value of the same index as at:</p> <ul style="list-style-type: none"> a) the date of payment of the relevant contribution to the Council; or b) in relation to the With Grant Tenure Mix Cost, the date of payment to the Nominated Housing Provider
"Interest Bearing Account"	<p>means an account with a major clearing bank that attracts a rate of interest and has terms which would be acceptable to a reasonably prudent local authority;</p>
"Interest Costs"	<p>means interest accruing on the Benchmark Land Value and the Gross Development Costs (excluding Interest Costs) from the date of this Deed until the Expected Scheme Completion Date (to include actual and estimated costs) as calculated within the Viability Assessment or at the Relevant Date (as applicable) on a cash flow basis with interest accruing and being compounded quarterly at a rate of six per centum (6.00%) above the base rate of Barclays Bank Plc on the aggregate of such costs after income from the Relevant Gross Development Value is first offset</p>
"Intermediate Housing Units"	<p>means those Residential Units to be made available as intermediate housing in the form of shared ownership and affordable to those on household incomes of up to £90,000 (unless otherwise agreed in writing with the Council)</p>
"Late Stage Viability Assessment"	<p>means a viability assessment to be carried out submitted to the Council in accordance with Part</p>

	4 of Schedule 1 to this Deed in order to determine whether a Late Stage Viability Assessment Surplus has been achieved, such assessment to apply the formula set out in the definition of Late Stage Viability Assessment Surplus
"Late Stage Viability Assessment Date"	means the date on which completion of the sale of 75% of the Open Market Units occurs
"Late Stage Viability Assessment Surplus"	<p>means in relation to the Late Stage Viability Assessment the sum which is calculated in accordance with the following formula:</p> $X = ((A - B) - (C + D) - P) \times 0.6$ <p>Where</p> <p>X = the Late Stage Viability Assessment Surplus</p> <p>A = Revised Gross Development Value at the Relevant Date (£)</p> <p>B = the higher of the Benchmark Gross Development Value and the figure determined in the Early Stage Viability Assessment as being the level of GDV required to ensure that the Development does not make a financial loss (£)</p> <p>C = Gross Development Costs assessed at the Relevant Date (£)</p> <p>D = Gross Development Costs as calculated in the Viability Assessment (or as determined in the Early Stage Viability Assessment, whichever is later) (£)</p> <p>P = (A - B) * 0.2</p>
"Land Acquisition Costs"	means Stamp Duty Land Tax calculated in accordance with HMRC rates plus an allowance of 1.50% of the Residual Land Value to cover Acquisition Agent & Legal fees
"Long Lease"	means a long lease granted in consideration of the payment of a premium and a ground rent with no unusually onerous covenants and conditions
"Market Value"	<p>means the sale price at which the sale of an interest in property would have been completed unconditionally for cash consideration on the date of the valuation assuming:</p> <p>a) a willing purchaser and a willing seller;</p>

	<p>b) that prior to the date of valuation there had been a reasonable period (having regard to the nature of the property and the state of the market) for the proper marketing of the interest for the agreement of the price and terms and for the completion of the sale;</p> <p>c) that the state of the market level of values and other circumstances were on any earlier assumed date of exchange of contracts the same as on the date of valuation;</p> <p>d) that the seller will provide the purchaser with vacant possession upon the completion of the transaction;</p> <p>e) that both parties to the transaction had acted knowledgeably prudently and without compulsion; and</p> <p>f) that no account is taken of any additional bid by a prospective purchaser with a special interest;</p> <p>such valuation to be carried out in accordance with the latest edition of the RICS red book</p>
"Marketing, Letting and Disposal Fees"	means the sum that is 3% of the GDV of the Open Market Units and 15% of the GDV of the Commercial Units as set out in the Viability Assessment, the Early Stage Viability Assessment or the Late Stage Viability Assessment (as applicable)
"Mayoral Community Infrastructure Levy"	means a charge payable as a result of a charging schedule adopted by the Mayor of London pursuant to the Community Infrastructure Levy Regulations 2010 SI 2010/948 (as amended)
"Nominated Housing Provider"	means a social landlord/registered provider of affordable housing registered with Homes England or if they shall no longer exist then any other organisation of a type as shall provide Affordable Housing approved by the Council (such approval not to be unreasonably withheld or delayed) that has agreed in principle to enter into a Grant Funding Agreement substantially in the form set out at Appendix 4 to this Deed in relation to Public Grant funding provided pursuant to Part 2 of Schedule 2
"Open Market Units"	means those units to be constructed on the

	Property for sale or rent on the open market other than the Affordable Housing Units
"Professional Fees"	means the sum that is 12% of the Build Costs as set out in the Viability Assessment, the Early Stage Viability Assessment or the Late Stage Viability Assessment (as applicable)
"Public Grant"	means grant funding provided through the Council's Housing Capital Programme to support the provision of Affordable Housing
"Registered Provider"	means a social landlord/registered provider of affordable housing registered with Homes England or if they shall no longer exist then any other organisation of a type as shall provide Affordable Housing approved by the Council such approval not to be unreasonably withheld or delayed and the term "Registered Providers" shall be construed accordingly
"Relevant Date"	means the Early Stage Viability Assessment Date or the Late Stage Viability Assessment Date (as applicable)
"Relevant Gross Development Value"	means: <ul style="list-style-type: none"> a) in relation to the calculation of Interest costs in the Viability Assessment, the Benchmark Gross Development Value; and b) in relation to the calculation of Interest Costs in the Early Stage Viability Assessment and the Late Stage Viability Assessment, the Revised Gross Development Value at the Relevant Date
"Residential Units"	means the residential units designated for C3 use as defined within the Use Classes Order forming part of the Development and the term "Residential Unit" shall be construed accordingly
"Revised Gross Development Value"	means the aggregate of the following: <ul style="list-style-type: none"> a) the net sale value paid on the sale of the freehold interest or grant of a Long Lease (if any, as the case may be) and ground rents in each of the Residential Units and Commercial Units; b) (in the case of any Residential Unit and Commercial Units which has not been sold at the Relevant Date) the

	<p>estimated Market Value at the Relevant Date of all unsold Residential Units and Commercial Units on the assumption of a sale of the freehold interest or the grant of a Long Lease (as the case may be).</p> <p>during the period up to and including the Relevant Date (as applicable)</p> <p>PROVIDED THAT where any consideration paid under a) are not payable under an arm's length transaction at Market Value then the Market Value specified in b) respectively shall be substituted for the consideration paid</p>
"Utilities"	means the supply of television, telecommunications, electricity, gas, water and/or drainage
"Viability Assessment"	means the report on the financial viability of the Development prepared Bespoke Property Consultants on behalf of the Council dated xxxxxx 2020 and attached at Appendix X
"With Grant Tenure Mix"	<p>means the tenure mix of the Affordable Housing Units that can be provided in the event that a total of £699,000 Public Grant funding for the Development is secured, provided that such Public Funding can only be allocated in accordance with the following tenure mix:</p> <p>Affordable Rent – 8 dwellings comprising 1 x 1-bedroom, 5 x 2-bedroom and 2 x 3-bedroom dwellings (Plot Nos 1 to 4 and Plot Nos 21 to 24 inclusive)</p> <p>Intermediate Housing – 1 x 1-bedroom and 1 x 2-bedroom dwellings (Plot Nos 7 and 8)</p>
"With Grant Tenure Mix Cost"	means the cost of implementing the approved With Grant Tenure Mix pursuant to Part 2 of Schedule 1 Indexed
"Without Grant Tenure Mix"	<p>means the tenure mix of the Affordable Housing Units that can be provided in the event that Public Grant funding for the Development is not secured, comprising the following units:</p> <p>Affordable Rent – 2 x 2-bedroom and 2 x 3-bedroom dwellings (Plots 21 to 24 inclusive)</p> <p>Intermediate Housing – 1 x 2-bedroom dwelling (Plot No 2)</p>

SCHEDULE 1

AFFORDABLE HOUSING AND THE HEALTH FACILITIES

The Parties agree as follows:-

PART 1 - AFFORDABLE HOUSING

1. The Developer covenants:
 - 1.1 Not to Occupy or cause or permit the Occupation of more than 28 of the Open Market Units prior to the issue of the Certificate of Practical Completion.
 - 1.2 Not to Occupy more than 28 of the Open Market Units until a freehold interest or a 125-year leasehold interest on a full repairing and insuring basis in each of the Affordable Housing Units (including the associated parking spaces) has:
 - 1.2.1 been granted to a Registered Provider free from all encumbrances (other than those on the title of the Property at the date of this Agreement) and free from all financial charges; and
 - 1.2.2 that such Registered Provider has agreed to enter and complete a Deed of Nomination Rights with the Council in substantially the same form as set out in Appendix 3 or as may otherwise be agreed between the Parties prior to first Occupation of the Affordable Housing Units.
 - 1.3 The transfer or lease by the Developer to the Registered Provider pursuant to paragraph 1.2 above shall be prepared by the Developer's solicitors at the cost of the Developer and shall contain (inter alia) the following:-
 - 1.3.1 the grant by the Developer to the acquiring Registered Provider of all rights of access, support, and entry and passage of services and other rights reasonably necessary for the beneficial enjoyment of the Affordable Housing Units;
 - 1.3.2 a reservation of all rights of access, support and entry and passage of services and other rights reasonable necessary for the purposes of the remainder of the Development; and
 - 1.3.3 such other covenants as the Developer may reasonably require for the maintenance of the Development and the preservation of the appearance thereof but no unduly onerous or unusual covenants which conflict with the nature of the use of the Affordable Housing Units for residential purposes.
2. The provisions of this Part 1 of Schedule 1 shall not be binding upon nor enforceable against:
 - 2.1 a mortgagee (or any administrator, receiver or manager (including an administrative receiver) appointed thereby (pursuant to the Law of Property Act 1925 or otherwise) or any other party appointed under any security documentation to enable such mortgagee to realise its security in respect of the Affordable Housing Units or any part thereof in possession or exercising a power of sale or any other right under security documentation;
 - 2.2 any tenant of an Affordable Housing Unit exercising a statutory or voluntary right to buy or right to

acquire pursuant to the Housing and Regeneration Act 2008 or any statutory amendment modification or re- enactment thereof or exercising a statutory right to acquire an Affordable Housing Unit or through any voluntary purchase scheme promoted by Homes England or the GLA or any other public body; and

- 2.3 the successors in title to or persons deriving title from the persons or bodies referred to in subparagraphs 2.1 and 2.2 above (inclusive).

PART 2 - ADDITIONAL AFFORDABLE HOUSING - PUBLIC GRANT REVIEW'

1. The Developer covenants to:
 - 1.1 Prior to a Material Start to write to the Director of Housing and Regeneration at the Council to request confirmation of whether Public Grant funding for the Development is available.
 - 1.2 Subject to paragraph 1.8 of this Part 2 of Schedule 1, within ten (10) Working Days of the written request pursuant to paragraph 1.1 of this Part 2 of Schedule 1, the Council shall provide to the Developer written confirmation of the Public Grant funding available for the Development, such confirmation to include details of any proposed With Grant Tenure Mix.
 - 1.3 Following receipt of the notification of the available Public Grant and the proposed With Grant Tenure Mix pursuant to paragraph 1.2 above, the Developer will:
 - 1.3.1 within ten (10) Working Days of receipt of such notification (or such longer period as may be agreed between the Parties in writing), confirm to the Council whether the proposed With Grant Tenure Mix is approved; and
 - 1.3.2 if the proposed With Grant Tenure Mix is approved, as soon as reasonably practicable thereafter provide to the Director of Housing and Regeneration details of the Nominated Housing Provider.
 - 1.4 In the event that a proposed With Grant Tenure Mix is approved by the Developer and details of the Nominated Housing Provider have been provided to the Council in accordance with paragraphs 1.1 to 1.3 of this Part 2 of Schedule 1, the Council agrees to:
 - 1.4.1 enter into a Grant Funding Agreement with the Nominated Housing Provider in substantially the same form as set out in Appendix 4 within ten (10) Working Days of the notification received pursuant to paragraph 1.3.1 of this Part 2;
 - 1.4.2 provide a certified copy of the Completed Grant Funding Agreement to the Developer as soon as reasonably practicable and in any event within five (5) Working Days of its completion; and
 - 1.4.3 pay the With Grant Tenure Mix Cost to the Nominated Housing Provider in accordance with the Completed Grant Funding Agreement and provide evidence of that payment to the Developer within ten (10) days of completion of the Completed Grant Funding Agreement.
 - 1.5 Subject to paragraph 1.6 and provided always that the With Grant Tenure Mix Cost has been paid and such payment has been evidenced to the Developer in accordance with paragraph 1.4.3 of this Part 2, the Developer shall provide the Affordable Housing Units in accordance with the approved With Grant Tenure Mix.

- 1.6 In the event that the Council does not comply with the requirements at paragraphs 1.4.1 and 1.4.3, the Developer will not be required to provide the Affordable Housing Units in accordance with the With Grant Tenure Mix and paragraph 1.5 of this Part 2 will not apply.
- 1.7 Subject to paragraph 1.8 of this Part 2, the Developer covenants not to make Material Start unless and until a period of ten (10) Working Days following the written request pursuant to paragraph 1.1 of this Part 2 has expired.
- 1.8 In the event that the Council provides written confirmation to the Developer within ten (10) Working Days of receipt of a written request pursuant to paragraph 1.1 of this Part 2 that there is no or insufficient Public Grant available for the Development in order to provide a With Grant Tenure Mix, paragraphs 1.2 to 1.7 of this Part 2 will not apply, and the Developer shall provide the Without Grant Tenure Mix. In the event that the Council does not respond to a written request pursuant to paragraph 1.1 of this Part 2 within ten (10) Working Days of receipt, it will be deemed that there is no Public Grant available for the Development and paragraphs 1.2 to 1.7 of this Part 2 will not apply and the Developer shall provide the Without Grant Tenure Mix

PART 3 - EARLY-STAGE VIABILITY ASSESSMENT

- 1. The obligations in this Part 3 are subject to the provisions of Part 5 of this Schedule 1 and contingent upon and shall only take effect if at the expiration of a period of two years from the discharge of the final pre-commencement planning condition attached to the Planning Permission a Material Start has not occurred, and subject to this condition having first been satisfied then the following obligations shall come into effect and be enforceable by the Council:
 - 1.1 within twenty (20) Working Days of the Early Stage Viability Assessment Date, the Developer will appoint a consultant at the Developer's cost to prepare and submit to the Council the Early Stage Viability Assessment, and the Council shall appoint an assessor to review the Early Stage Viability Assessment;
 - 1.2 the Developer shall meet the Council's reasonable and proper costs which have already been incurred in connection with the Early Stage Viability Assessment in full within fifteen (15) Working Days of the Council issuing an invoice of the said costs once they have already been incurred;
 - 1.3 within twenty (20) Working Days of the appointment of the consultant pursuant to paragraph 1.1 of this Part 3, to complete the Early Stage Viability Assessment and submit the same to the Council for its approval together with such supporting information as is reasonably necessary to enable the Council and its advisors to assess the Early Stage Viability Assessment;
 - 1.4 in the event that the Council approves the Early Stage Viability Assessment and the Early Stage Viability Assessment indicates that the Development will produce an Early Stage Viability Assessment Surplus, the Developer shall within two (2) months of the date of receiving the Council's approval of the Early Stage Viability Assessment provide an Additional Affordable Housing Scheme to the Council for its approval with such supporting information as is reasonably necessary to enable the Council and its advisors to assess the Additional Affordable Housing Scheme, and the Parties agree that it shall be at the Developer's absolute discretion which Open Market Units are to be converted to Intermediate Units as part of the Additional Affordable Housing Scheme.
 - 1.5 in the event that the Council does not approve:
 - 1.5.1 the Early Stage Viability Assessment submitted to it pursuant to paragraph 1.3 of this

Part 3 within ten (10) Working Days of receipt or such other period as may be agreed between the Parties; or

- 1.5.2 the Additional Affordable Housing Scheme submitted to it pursuant to paragraph 1.4 of this Part 3 within ten (10) Working Days of receipt or such other period as may be agreed between the Parties;

then any dispute as to the Early Stage Viability Assessment or the Additional Affordable Housing Scheme shall be resolved in accordance with the provisions of Clause 8 of this Deed;

- 1.6 the Developer shall provide any Additional Affordable Housing Units as approved or determined by the Expert pursuant to this Part 3 in accordance with Part 1 to this schedule;
- 1.7 in the event that the Additional Affordable Housing Scheme demonstrates that the Early Stage Viability Assessment Surplus as approved or determined by the Expert is insufficient to provide any Additional Affordable Housing Units or cannot deliver a whole number of Additional Affordable Housing Units then in either scenario the Developer shall pay any such Early Stage Viability Assessment Surplus that cannot be applied to Additional Affordable Housing Units to the Council prior to Occupation of 8 Open Market Units and such payment will be an "Additional Affordable Housing Contribution" as defined in clause 1.

PART 4 - LATE STAGE VIABILITY ASSESSMENT

1. The obligations in this Part 4 are subject to the provisions of Part 5 of this Schedule 1 and shall only take effect on completion of the sale of 75% of the Open Market Units, and subject to this condition having been satisfied then the following obligations shall come into effect and be enforceable by the Council:
- 1.1 within twenty (20) Working Days of the Late Stage Viability Assessment Date, the Developer will appoint a consultant at the Developer's cost to prepare and submit to the Council the Late Stage Viability Assessment, and the Council shall appoint an assessor to review the Late Stage Viability Assessment;
- 1.2 the Developer shall meet the Council's reasonable and proper costs which have already been incurred in connection with the Late Stage Viability Assessment in full within fifteen (15) Working Days of the Council issuing an invoice of the said costs once they have already been incurred.
- 1.3 within twenty (20) Working Days of the appointment of the consultant pursuant to paragraph 1.1 of this Part 4, to complete the Late Stage Viability Assessment and submit the same to the Council for its approval together with such supporting information as is reasonably necessary to enable the Council and its advisors to assess the Late Stage Viability Assessment;
- 1.4 in the event that the Council approves the Late Stage Viability Assessment and the Late Stage Viability Assessment indicates that the scheme will produce a Late Stage Viability Assessment Surplus, the Developer shall pay the Additional Affordable Housing Contribution to the Council within two (2) months of the date of receiving the Council's approval of the Late Stage Viability Assessment that confirms the agreed amount of Additional Affordable Housing Contribution in writing PROVIDED THAT no Additional Affordable Housing Contribution is payable if the Surplus is zero (0);
- 1.5 in the event that the Council does not approve the Late Stage Viability Assessment within ten (10) Working Days or within such period as otherwise agreed between the Parties then any dispute

between the Parties as to the Late Stage Viability Assessment or the amount of the Additional Affordable Housing Contribution shall be resolved in accordance with the provisions of Clause 8 of this Deed and the Developer shall pay the amount determined by the expert for the Additional Affordable Housing Contribution to the Council within two 2 months of the date of receiving the determination in writing of the expert in accordance with clause 8 or within such period as otherwise agreed between the Parties.

PART 5 - SURPLUS CAP

1. The amount of any or all of the Early Stage Viability Assessment Surplus and the Late Stage Viability Assessment Surplus should not exceed the value of **£768,883**

Appendix G

Bryant, Jamie

From: Smith, Cathryn
Sent: 02 December 2020 15:31
To: Hockin, Sophie
Cc: Bryant, Jamie; Villars, Phil
Subject: FW: Arlington Works

From: Philip Villars [mailto:philip.villars@indigoplanninguk.onmicrosoft.com]
Sent: 24 October 2018 09:23
To: Gemma McKeon <gemma.mckeon@twickenhamstudios.com>
Cc: Mr James Tomalin <james@aulos.uk.com>; Kevin Finnigan <kevin.finnigan@twickenhamstudios.com>; dawn@sharpesoil.co.uk
Subject: Re: Arlington Works

Hi Gemma

That is very frustrating. Is there another time we can visit? Should we liaise with your director? The reason we would like to visit is in response to a request by The Studio during our consultation event earlier in the summer and yet to date we have found it impossible to arrange anything despite numerous attempts. The studio owner, in an email dated 25 September, did say that he would revert back to our client once he had established who should attend the visit but we didn't hear back.

We will inform the Council as planning authority of this lack of co-operation so that they can properly consider the planning application for Arlington Works.

If you are able to confirm a date please let me know

Many thanks

Phil

On 23 Oct 2018, at 12:08, Gemma McKeon <gemma.mckeon@twickenhamstudios.com> wrote:

Hi Philip,

Sorry, after running this past our company director, I'm afraid I am going to have to cancel tomorrows visit at this stage.

We will be in contact in due course.

Thanks,
Gemma

GEMMA MCKEON
Studio Supervisor

TWICKENHAM STUDIOS
The Barons, Twickenham, TW1 2AW

Tel: +44 208 607 8888
Direct: +44 208 607 8767
Mobile: +44 7595 944 099

www.twickenhamstudios.com



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From: Philip Villars <philip.villars@indigoplanning.com>
Sent: 23 October 2018 11:15
To: Gemma McKeon <gemma.mckeon@twickenhamstudios.com>
Cc: Mr James Tomalin <james@aulos.uk.com>
Subject: Re: Arlington Works

Thank you Gemma. It will be myself and Jim Tomalin.

Kind regards

Phil

Philip Villars | Managing Director

T 020 3848 2500
M 07881 781 718

On 23 Oct 2018, at 10:15, Gemma McKeon <gemma.mckeon@twickenhamstudios.com> wrote:

Yes no problem. I can meet you at reception.
Gemma

GEMMA MCKEON
Studio Supervisor

TWICKENHAM STUDIOS
The Barons, Twickenham, TW1 2AW

Tel: +44 208 607 8888
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Mobile: +44 7595 944 099

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From: Philip Villars <philip.villars@indigoplanning.com>

Sent: 22 October 2018 20:19

To: Gemma McKeon <gemma.mckeon@twickenhamstudios.com>

Cc: Dawn Roads <dawn@sharpesoil.co.uk>; Alexander MacGregor <alexander.macgregor@indigoplanning.com>

Subject: Re: Arlington Works

Hi Gemma

Wednesday morning is fine - would it be possible to make it 9.30am?

Many thanks

Phil

Philip Villars | Managing Director

T 020 3848 2500

M 07881 781 718

On 22 Oct 2018, at 17:02, Gemma McKeon <gemma.mckeon@twickenhamstudios.com> wrote:

Hi Phil,

Are you able to make it in Wednesday morning? 10am?

Thanks,
Gemma

GEMMA MCKEON
Studio Supervisor

TWICKENHAM STUDIOS
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From: Philip Villars <philip.villars@indigoplanning.com>
Sent: 22 October 2018 16:15
To: Gemma McKeon <gemma.mckeon@twickenhamstudios.com>
Cc: Dawn Roads <dawn@sharpesoil.co.uk>; Alexander MacGregor <alexander.macgregor@indigoplanning.com>
Subject: RE: Arlington Works

Dear Gemma

I haven't heard back from you. Please could you let me have dates and times when we could visit.

Many thanks

Phil

Philip Villars | Managing Director

T 020 3848 2500
M 07881 781 718

From: Philip Villars
Sent: 15 October 2018 10:33
To: 'gemma.mckeon@twickenhamstudios.com' <gemma.mckeon@twickenhamstudios.com>
Cc: 'Dawn Roads' <dawn@sharpesoil.co.uk>; Alexander MacGregor <alexander.macgregor@indigoplanning.com> <alexander.macgregor@indigoplanning.com>
Subject: Arlington Works

Dear Gemma

Thank you for your email to my PA last week. We would like to visit to look at the physical proximity of different uses within the studio site to our clients site so that we can look to address any concerns about noise impacts during construction. I would be accompanied by our acoustic engineer Jim Tomalin from Aulos. We simply would like to look around at this stage rather than discuss any aspects of the planning application.

Please could you let me know when this would be possible over the next week or so.

I look forward to hearing from you

Kind regards

Phil

From: Cathryn Smith
Sent: 12 October 2018 13:55
To: Philip Villars <philip.villars@indigoplanning.com>; Alexander MacGregor <alexander.macgregor@indigoplanning.com>
Subject: FW: Arlington Works

From: Gemma McKeon
<gemma.mckeon@twickenhamstudios.com>
Sent: 11 October 2018 14:34
To: Cathryn Smith <cathryn.smith@indigoplanning.com>
Subject: RE: Arlington Works

Hi Cathryn,

So sorry its taken me so long to get back to you. I have been away and am only now just catching up.

Can I ask for some more information on what Phil's visit would be for? I haven't been part of any discussions about this until now.

Thanks,
Gemma

GEMMA MCKEON
Studio Supervisor

TWICKENHAM STUDIOS
The Barons, Twickenham, TW1 2AW

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From: Cathryn Smith <cathryn.smith@indigoplanning.com>
Sent: 17 September 2018 11:03
To: Gemma McKeon <gemma.mckeon@twickenhamstudios.com>
Subject: RE: Arlington Works

Hi Gemma

Just wondering whether you've had chance to see if there's a convenient time for Phil to visit the studios?

Regards

Cathryn

Cathryn Smith | Executive Assistant/Office Manager

T: 020 3848 2500 **M:** 07880 062 170 **E:** cathryn.smith@indigoplanning.com

RTPI Planning Consultancy of the Year 2017

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From: Cathryn Smith
Sent: 12 September 2018 09:36
To: 'gemma.mckeeon@twickenhamstudios.com'
<gemma.mckeeon@twickenhamstudios.com>
Subject: Arlington Works

Hi Gemma

Before Maria left we were liaising to arrange a time for Phil Villars to come to the studios as per Maria's invitation, along with our acoustics expert.

Could you let me know whether there would be a convenient time.

Regards

Cathryn

Bryant, Jamie

From: Hockin, Sophie
Sent: 02 December 2020 15:29
To: Villars, Phil; Bryant, Jamie
Subject: FW: Arlington Works

Sophie Hockin MPlan (Hons) MRTPI
Senior Planner



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From: Smith, Cathryn <cathryn.smith@wsp.com>
Sent: 02 December 2020 15:24
To: Hockin, Sophie <sophie.hockin@wsp.com>
Subject: FW: Arlington Works

From: Cathryn Smith [<mailto:cathryn.smith@indigoplanninguk.onmicrosoft.com>]
Sent: 02 August 2018 16:18
To: 'Maria Walker' <maria.walker@twickenhamstudios.com>; Villars, Philip <philip.villars@indigoplanning.com>
Cc: james@aulos.uk.com; Alexander MacGregor <alexander.macgregor@indigoplanning.com>
Subject: RE: Arlington Works

Hi Maria

Further to the emails below, our acoustic engineer is now on leave until w/c 20 August. Could you let me have dates following this when he and Phil could visit the studio.

Regards

Cathryn

From: Maria Walker <maria.walker@twickenhamstudios.com>

Sent: 04 July 2018 12:03

To: Philip Villars <philip.villars@indigoplanning.com>

Cc: james@aulos.uk.com; Jessica Carmichael <jessica.carmichael@indigoplanning.com>; Cathryn Smith <cathryn.smith@indigoplanning.com>

Subject: Re: Arlington Works

Hi Philip

Delighted that you would like to visit the site. I don't believe it is necessary for your acoustics advisor to visit site. Surely, he can indicate how loud the noise levels will be? A scope of works indicating what the noise levels would be at each stage would be great.

Let me know when you would like to visit.

Thank you

Maria

MARIA WALKER

Chief Operating Officer

TWICKENHAM STUDIOS

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From: Philip Villars <philip.villars@indigoplanning.com>
Date: Wednesday, 4 July 2018 08:24
To: Maria Walker <maria.walker@twickenhamstudios.com>
Cc: "james@aulos.uk.com" <james@aulos.uk.com>, Jessica Carmichael <jessica.carmichael@indigoplanning.com>, Cathryn Smith <cathryn.smith@indigoplanning.com>
Subject: RE: Arlington Works
Resent-From: <maria.walker@twickenhamstudios.com>

Good morning Maria

I would very much like to take you up on your invitation to visit the studio but to make it worthwhile, and bearing in mind your concerns regarding noise/vibration from future construction works at the site, it would be sensible for me to be accompanied by our acoustics advisor so that he can see what you do. I appreciate that you may wish to appoint your own expert and I would expect the two to speak in due course to try and agree any mitigation which might be identified to address your concerns. As such, can you please confirm whether you are happy with this and, if so, we can agree a suitable date/time to visit – unfortunately tomorrow's slot has now gone.

In the meantime, I will ask my colleague Jess to measure from the drawings the distance and get back to you on your question.

Kind regards

Phil

Philip Villars | Managing Director

T 020 3848 2500
M 07881 781 718

From: Maria Walker [<mailto:maria.walker@twickenhamstudios.com>]
Sent: 02 July 2018 09:32
To: Philip Villars <philip.villars@indigoplanning.com>
Cc: james@aulos.uk.com; Jessica Carmichael <jessica.carmichael@indigoplanning.com>; Cathryn Smith <cathryn.smith@indigoplanning.com>
Subject: Re: Arlington Works

Good morning Philip

It was more of an invitation to you than a request. So you could see what goes on in a film studio. I don't believe it would be appropriate for your acoustics expert to attend. We would definitely use our own. I do have a question. Can you confirm exactly how close the wall will be to the side of the Sound Centre? It's where your drawings show the parking to be.

Thank you

Maria
MARIA WALKER
Chief Operating Officer
TWICKENHAM STUDIOS
The Barons, Twickenham, TW1 2AW
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From: Philip Villars <philip.villars@indigoplanning.com>
Date: Saturday, 30 June 2018 16:54
To: Maria Walker <maria.walker@twickenhamstudios.com>
Cc: "james@aulos.uk.com" <james@aulos.uk.com>, Jessica Carmichael <jessica.carmichael@indigoplanning.com>, Cathryn Smith <cathryn.smith@indigoplanning.com>
Subject: Arlington Works
Resent-From: <maria.walker@twickenhamstudios.com>

Hi Maria

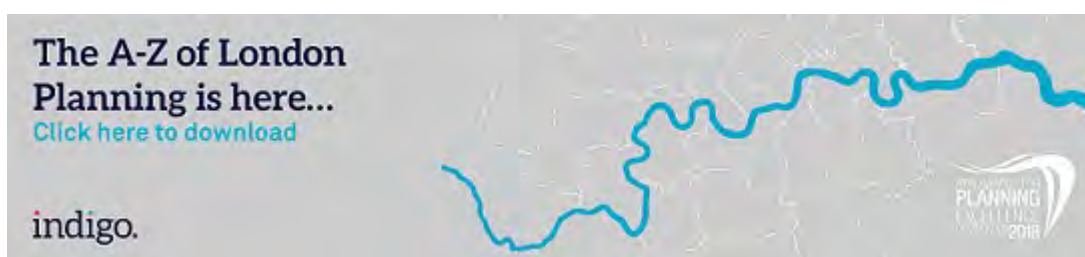
I would like to arrange the visit to the Studios which you requested when we met at the exhibition recently. Our acoustics expert, James Tomalin, and I could visit next Thursday morning. Would this be possible? A time to fit in with you. Let me know.

Kind regards

Phil

Philip Villars | Managing Director

T: 020 3848 2500 **M:** 07881 781 718 **E:** philip.villars@indigoplanning.com



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Appendix H

Royal Borough of Richmond upon Thames Planning Committee 18 September 2019

York House, Civic Centre, Twickenham

In attendance:

Members of the Planning Committee:

- Councillor John Coombs
- Roger Crouch
- Piers Allen
- Peter Buckwell
- JF Burford
- Martin Elengorn
- Andree Frieze
- Kate Howard
- Julia Neden-Watts
- Plus Officers of the Council and members of the public

Item 5c – Arlington Works, Twickenham

1. Chair - Councillor Needham Watts you are going to leave us and join the public gallery.
2. We are now going to move on to Item 5c which is Arlington Works, 23-27 Arlington Road, Twickenham. I just want to make sure that all members of the committee have been able to read the Addendum and especially take note of the amendments to the reason for refusal 3 and the reason for refusal 6 which is on the last page of the Addendum, I just want to make sure that you have all managed to read that, if you haven't I'll give you a few moments to do so now because it's quite important that that has been read.
3. So if you can look at me when you've finished that and then we can start proper.
4. Right, thank you. Mr Tankard is going to present this particular item.

5. Thank you chair. I haven't got a particularly great location plan but I've done my best. You may also want to refer to the one on page 39 of the report. Briefly, the application site known as Arlington Works is an oil refinery site located to the rear of Twickenham Film Studios buildings where my cursor is tracing over and then also the film studios wrap around this southern part of the site as well. Access to the site is through Arlington Road through a driveway which again is shared with the film studios. Apart from that the site is bordered by a rail track to the west over beyond which are houses in Heathcote Road and a series of flatted developments Kelvin Court which is located here, its this linear block of flats to the south of the film studios and to the east of Arlington Works and Howick Court which is to the north of the access road, I'll just get a few photos which hopefully will give you a better feel. This is Kelvin Court, that's the access road on the left hand side you can see the film studios, Howick Court is to the right hand side. The main access road in to the site is where my cursor is now running down, there is also another access road which is to a rear court, garage court to the back of Kelvin Court and other than that the only thing of note is the parking provision in a part undercroft to the film studios on the left hand side of the access road.
6. The site itself comprises a collection of industrial buildings these are in a variety of the B Uses, as far as we can see from site visits there are vehicle repair, blacksmiths, sculptors, storage facilities so that's covering a gamut of B1, B2 and B8 Uses as well as the oil recycling facility itself or waste recycling facility itself. Recently, well not that recent actually, the storage tanks and other machinery which was associated with the oil refinery have been removed from site, other than that Members should be making note of the presence of two BTMs on site, planning designations, the site is adjacent to the St Margaret's Conservation Area to the south but not within it. The area is an area of mixed use, there is a CPZ in place which operates between the hours of 10:00 and 16:30 and there are a variety of other planning designations in relation to floods, flood zone 1 and archaeological priority zone.

7. The proposal which is in front of Members is a mixed use development which I think it's fair to say is mainly residential led. Just reduce the size of this. That's the site layout plan. I'll just continue without the slide. The mixed use development is going to be comprising 610sqm of commercial B1 Use Class in place of the refinery and existing space of B Uses which are roughly 860sqm floor area and apart from that the proposal is to construct 24 residential units, 5 of which are 1 bed, 12 x 2 bed and 7 x 3 bedrooms. Associated car parking and landscaping is obviously also provided.
8. In terms of the commercial space its going to be comprising a total of 5 units, 4 of the units are 134sqm in size and the 5 unit is 75sqm. The residential units I've gone through the mix, just in terms of the affordable housing provision, originally the proposal was putting forward 4 unit which were going to be constructed in a 3 storey block, individual 3 storey block here, 2 of those units were duplex flats. That has now been increased to 8 following work between the Council's viability consultants and the applicants viability person. A further 4 units are now being proposed as affordable which are located within the larger residential block of 20 odd units which is positioned immediately towards the back of the film studios.
9. In terms of outside communal space there are 2 areas, 1 which is alongside the back of the railway track which is of 115sqm and it will be communal space for use by the main residential block and then a triangular area of space 175sqm which is the rear of the residential. I would note that the scheme doesn't include any children's playspace. As Members can see there are 8 reasons for refusal being recommended and I think that's all I need to say at this moment.
10. Thank you Mr Tankard now we have two people speaking against which is agreeing with the refusal recommendation, and then we have 1 speaking for and then an interested Councillor. So if I could have Mr Roger Sewell who is a neighbour.
11. Thank you chair.

12. Roger Sewell, I'm the Finance Director of Twickenham Studios and I've been associated with the studios for the last 20 years. I would ask a little bit more latitude on time, I can see I'm already down on that, okay thank you.
13. Let me say that the Studios is a very large, has a very large impact on the economy and businesses and community in the St Margaret's area. It's loss and we may come on to that in a minute would have a serious impact on the businesses in that area. The Applicant's application would mean that there could well be some serious sound issues during construction. Let me point out that our business 40% of it is audio based in post production and any intrusion or effect on our sound would in fact cease that section of our business, you might say well why don't you work round it for a few days, but I have to say the productions at that stage in their production cycle have very stringent timing issues about getting the production out any delay would mean that they wouldn't come to us for that work.
14. There is also a great demand for the applicant's area for commercial use and particularly artistic creation of which we specialise. We have made an offer for that area and would put it into that use for the commercial use of the studios should we be successful. I have to say that our offer has so far been ignored. But we would commit to, and we are aware of the aspect of the waste management, we would commit to, being successful working with the Council to establish a work around or at least a waste management position for that to retain or at least respect the policy of the Council in that respect. And indeed, although it has notwithstanding the fact that the machinery has been removed and the storage tanks have been removed we would stand to invest in order to come up with a solution to that particular aspect of your policy.
15. I have to say that should the business suffer the aspects of the planning application that would impact on our business we are a very finely balanced business, we are in the same business as Pinewood. Pinewood has 300 acres of land, they can move around if this

happened to them. We cant we are in a very, very tight controlled area. Workflow is a big issue for us, any loss of land, loss of car park spaces. They are going to take back some of our land would have a big impact on our business and in my view we would fail.

16. Thank you, so you did it in the 3 minutes, you were fine.
17. Okay there might be some questions for you. Councillor Crouch.
18. Councillor Crouch - Thank you, how many people do you employ on site?
19. Roger Sewell - That's an interesting point, internally about 54, externally we attract hundreds of people whilst productions are continually visiting the studios.
20. Councillor Frieze
21. Councillor Frieze - Thank you chair, what impact of noise of the businesses already on site, sorry the businesses already on that particular site that we are talking about, what impact do they have on your business.
22. Roger Sewell - It does have occasionally some impact but I think with the construction that is being proposed, it's the low level noise that would be of particular issue to us, going back to my point, okay its construction you can't object to that and any normal business the people there could simply put their fingers in their ears and get on with work anyway. We cant it's a technical issue we would have to cease and in doing so, let's say a production is there for 30 days doing their post production and we couldn't guarantee them continual use of the studios for that 30 days, they would not be able to meet their deadline, three days out of 30 is not 10% loss of income to us it's 100% loss of income.
23. Chair - Any further, no that's fine, thank you very much.
24. Next Derek Horn. Were you expecting to speak, you are down on my list.
25. Derek Horn – I was rather hoping you would allow Mr Sewell to speak my 3 minutes because he has first hand knowledge of the business that the studios operate from there and I think he would be more informative to you than I. I'm purely a mere Planning Consultant, I used to work in this Authority but that was a long time ago and I don't think that counts for much

weight. But I would say to you, the loss of employment floorspace has to be justified in this case. You have policies to protect that employment floorspace and it's quite clear from the representations that you have had from Mr Sewell that there is a perfectly decent buyer for commercial space right there on the doorstep willing to take that and my understanding is that if they can't expand here then they might go away altogether and I think that is a very serious thing. Twickenham Film Studios have been there for over 100 years, when I worked for this Authority 50 years ago they were there and they were a very important part of the local economy and I trust the Members will support the film studios in making sure that this doesn't go to residential which will be very difficult for a film studio to operate if there are residential properties surrounding this place.

26. Funnily enough the refinery that was there is a very sedentary sort of facility and it doesn't impact in the same way as it might do on residential properties. It would still be ideal to relocate it as the space is needed and you've heard from Mr Sewell that he is willing to work with the Council to find an alternative if possible if they can't provide it on site. And may I just thank you for allowing me to say those few words.
27. Chair – Thank you, there might be some questions for you, obviously that suggestion will need to be done in other areas of the Council, it's not within the planning committee.
28. Derek Horn – Yes, there will be a planning application submitted to the Council very shortly.
29. Chair – We'll deal with it when that happens. Do we have any questions to Mr Horn at all, and welcome back. And we have Philip Villars who is the agent and would like to speak for and you can see what we have to do.
30. Phil Villars – Good Evening. If I could just address first of all the land use issue, this is currently an employment site, primarily B1 office space, the proposal is an appropriate mixed use development proposing 6,000sq ft of replacement B1 space which could accommodate up to 60 jobs, there are currently 13 jobs on site. So this is a mixed use scheme, utilising existing buildings of townscape merit and providing some new

accommodation as well. The balance of the use will be residential including affordable on site. 8 affordable housing units, which is shared equity 25% equity, 75% rent, a mix of unit sizes. So this is a meaningful high quality redevelopment. The existing waste facility 0.05 of the site which is a small percentage of the site that was established by both the Environment Agency permitting and a CLEUD on the site going back some time. So when we talk about this being a waste site, only a small proportion of the site 0.05 is actually in lawful, or was in lawful waste use. That is way below the threshold that the West London Waste Authority have for viable waste facilities. The only use from a waste perspective that could be accommodated is anaerobic digesters I suspect that's not what the Council would have in mind, I also suspect that if a waste facility came forward for the whole site or even the majority of the site that residents would be up in arms about that I suspect because of the traffic generation and impacts.

31. Just addressing the concerns from the Studio's next door, they have tried to buy the site, I think there is a clear conflict of interest there and there is no policy requirement for this to go to studio use, particularly when 6,000sq ft of employment space mixed B1 is being proposed. In terms of noise, the applicant tried, we tried on many occasions to gain access to the site with our Acoustic Engineers and were denied access and that is documented in writing, and that was over a course of 18 months, so we have tried to address the concern regarding construction access. This site will be redeveloped, there will be construction on this site and it can be dealt with through Construction Management Plans but there has to be a dialogue with the neighbour which so far has been denied.
32. In terms of car parking, existing car parking will be replaced on the access to a better standard and the studio will only lose 2 spaces from the current provision, the rest will be re-provided for residents. So I would ask you to look upon this favourably, it's a high quality mixed use scheme on this site. Thank you.

33. Chair – Thank you, if you would just like to remain just to see if there are any questions for you from the Committee. No, that’s perfectly clear, thank you very much. And Councillor Needham Watts who is speaking as an interested Councillor.
34. Councillor Needham Watts – Thank you, Councillor Julia Needham Watts for Twickenham Riverside, the ward in which the site is located. My first point is on the waste management site allocation and it being given as a reason for refusal, this has caused some consternation locally because of a perception that this means that the Council intends to use the site for waste management and I would be grateful if clarification on that would be helpful. Clearly as stated in reason for refusal number 1 the development of an allocated waste management site goes against the West London Waste Plan 2015 and LP24 of the Local Plan because even if the site is being run down as a waste facility compensatory provision is still required and I don’t think that requirement has been met. This is explained around para 75 of the report, however, it is conceivable that a developer might find a way to address this potentially so even if the site cant be developed until that point is resolved it is still relevant to consider the rest of the scheme.
35. On Industrial Employment space para 97 states that Richmond is in the retain category for industrial floorspace, subsequent paragraphs mention low cost industrial and related space for micro, small and medium enterprises, the need to protect and preferably enhance such spaces to meet local needs and the presumption against loss of such space. I don’t think this scheme matches those expectations and this is indeed the reason for refusal number 2, but I think it’s worth mentioning that these aren’t just words on a page, the site does currently host small business activity which would struggle to relocate because as stated there is limited supply and demand is high. The scheme as it is could therefore have a direct adverse impact on businesses currently operating on the area and therefore on the character and vibrancy and diversity of the area. I was going to make some other points which I think have perhaps been made by others so I will just conclude to say that in any cases the report in

front of you makes clear that mixed use the juxtaposition of residential and industrial on this site is problematic and given that there is a need to retain employment in industrial space the scheme seems to present difficulties that aren't really resolvable so I'll conclude by encouraging you to accept the Officer's recommendation and refuse this application. Thank you.

36. Chair – Thank you Councillor – do we have any questions for the Councillor. No, that seems good. You may remain and ask your own questions of the Officer after the Officer has responded. So Mr Tankard, if you would like to respond.
37. Mr Tankard – Thank you Chair, I think actually I'll just take questions.
38. Chair – Excellent, now I'll let Councillor Needham Watts go first because she almost started with a question when she began speaking, so I'll allow her to go first and then I'll come to other Councillors.
39. Cllr Needham Watts – Yes, thank you. I would just like to nail this concern that if the Waste Management Site Allocation is used as a reason for refusal, is there any implication that the Council will then suddenly put a Waste Management Facility there amongst the surrounding residential?
40. Mr Tankard – No, it's in relation to the plan area as a whole, so if there is going to be an alternative location, which is going to be compensatory in terms of the capacity that was seems to be I think it was 20,000 tonnes was mentioned in the report on a site of a similar nature dealing with hazardous waste was able to be located in the plan area, we would then see that as a reason to release the site from, well the site could potentially be released if that other site was shown to be deliverable by the applicant or if there was some other form of securing that set of steps or stages if you like. It isn't, it doesn't mean that we would be wanting to reintroduce it on this site specifically. The site has what I would regard as a mixture of uses, certainly in terms of the B Uses, there have been tenants I believe on this site for a considerable period of time which fit B1, B2, B8 usage and the oil refinery obviously

falling within B6. So it's a mixed use site and apart from the waste transfer of course we have the obvious loss of employment on the site and in terms of replacement site, employment floorspace we do say that it has to be of a suitable employment type to replace that which is being lost.

41. Chair – Councillor Crouch

42. Cllr Crouch – Could you just clarify how much weight we should give, if any, to the comments from the representatives from the film studios and the impact on them?

43. Mr Tankard – Yes, the key point I think that was being made was actually by the Planning Consultant in terms of the marketing clearly there is interest from a local firm in the site and as such that has a bearing in terms of the employment policies and non compliance with the employment policy before we start looking at alternative uses, in terms of mixed use going working through the community uses and then the residential.

44. Chair – Councillor Buckman.

45. Cllr Buckman – Yes, thank you. The oil recovery unit there, first of all does the Council have any direct interest in that or is it a totally remote run by an independent company (private company) and secondly where is the nearest similar facility, do we know where the nearest one is.

46. Mr Tankard – No I don't personally, I understand there are alternative facilities but whether they are or were because the site isn't obviously operational anymore, whether they were offering the identical same service in terms of recycling waste I couldn't tell.

47. Cllr Buckman – Okay, and I didn't quite hear what you said earlier, but we have no direct interest in the site the Council as such.

48. Mr Tankard – Yes that's right.

49. Chair – Any further questions. No, Councillor if you would like to leave us. Thank you. Right we now move on to views. Who would like to express a view on this. Councillor Elengorn.

50. Cllr Ellengorn – Well, its quite rare although we had it of course in the first item this evening to have an application with quite so many reasons for refusal and it makes one wonder a bit about the pre-application. It's also quite unusual to have something quite off the beaten track as a building townscape merit but the fact is it has been so designated and we have to take account of that as has a bearing on one of the reasons I think for refusal. But there are very strong reasons for refusal in the agenda particularly early on in the reasons 1, 2, 3 and I think we should follow advice.
51. Chair – Would anyone like to give a contrary view or additional view at all on this before we go to the vote. The recommendation is easy it just says refuse. The recommendation is for refusal so can I see a show of hands for that. And again that has complete unanimity, that's very unusual I think to go through three items where everybody agrees around the table.
- Thank you all very much for attending the meeting is now closed.

