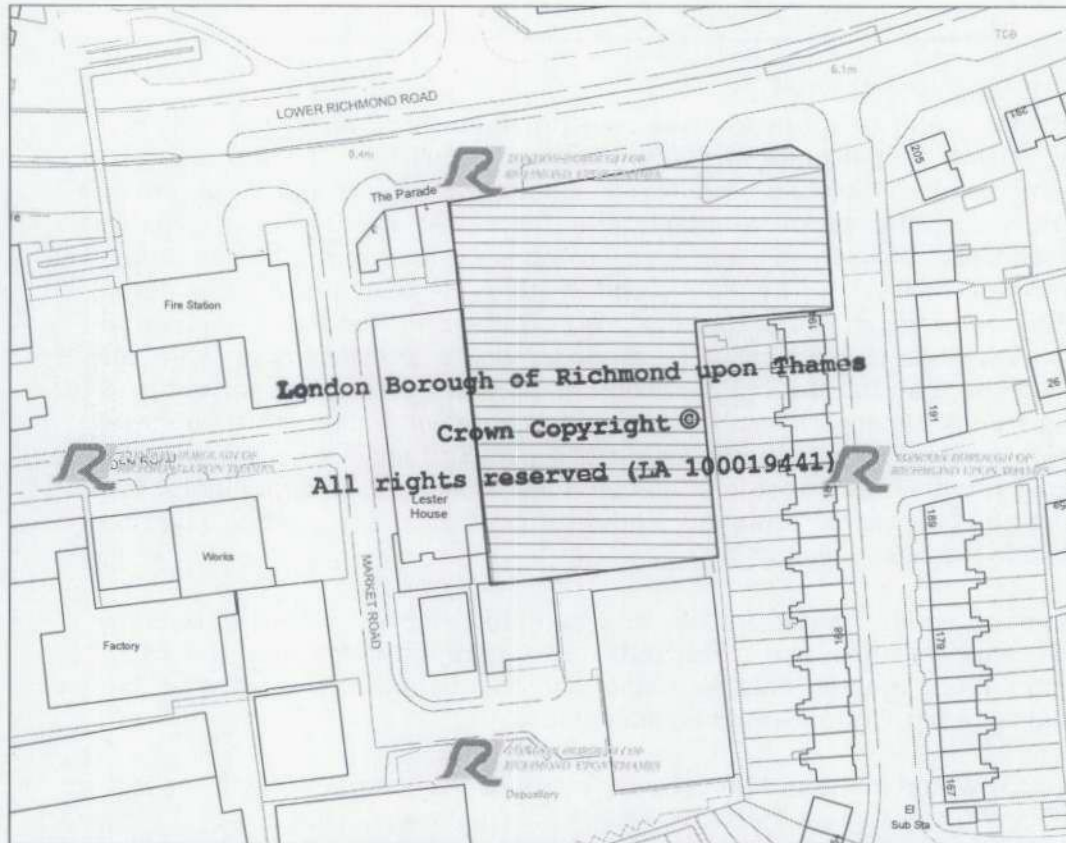


09/2104FUL
293 LOWER RICHMOND ROAD
RICHMOND

NORTH RICHMOND WARD
Contact officer:
B.Sheehan



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Proposal: Redevelopment with part three, part four storey development to provide a mixed scheme of 52 residential units, comprising a mix of social rent and shared ownership units and commercial floorspace (use class B1); with new access and associated parking and landscaping

Applicant: Notting Hill Housing Ownership

Application received: 7th August 2009

Main Development plan policies:

UDP – First Review: STG5; IMP2; ENV18, 19, 24; BLT 11, 13, 15, 16; EMP4,7; HSG4, 5, 11, 12, 18, 19; TRN2, 4,11, 12 and 21.

The Local Development Framework: Core Strategy CP1; CP2; CP3; CP4; CP5A, C, F, G; CP6; CP7; CP10.D; CP17B; CP14D, E; CP15; CP16; CP17.C; CP18; CP19

London Plan policies 2A.1, 9;3A.1,2, 3, 5, 6, 8, 9, 10,11, 17, 18, 23, 24, 26, 27;3B.1, 2, 3, 4; 3C.1, 2, 3, 17, 20, 21, 22, 23; 3D.13, 14, 15; 4A.1, 3, 4, 6, 7, 9, 11, 12, 14, 16, 17, 19,20, 21, 33; 4B.1, 5, 10, 15; 6A.4, 5

Design quality SPD

Small and medium housing sites SPD

Affordable Housing SPG

Re-cycling for new developments SPG

Planning Obligations Strategy SPG

Sustainable Construction SPG

Present use: Vacant site, formerly petrol filling station, car sales, and vehicle repair workshop

SUMMARY OF APPLICATION

The proposal would result in the welcome provision of a mixed use scheme, including 52 residential units of 100% affordable housing. The proposed 20 social rented units would be significantly below the 80% of units sought by policy. However, the proposal meets the Council's priority for affordable housing and had the scheme included 50% private housing, 20 units would have met the policy. The scale and quality of design are considered acceptable in this location fronting the Lower Richmond Road and adjacent to the industrial estate to the west. The proposal would provide for 20 fewer car parking spaces than the Council's maximum standard of 1 space per unit (0.6 spaces per unit). Having regard to car parking surveys which show on street car parking availability and the inclusion of 2 car club spaces on the site, the car parking provision is considered acceptable in this case. Eligibility for car parking permits would be removed, should a controlled car parking zone be introduced in the next 5 years.

The proposal would result in no unacceptable impact on neighbouring residential amenity nor street trees. Subject to planning conditions regarding sound insulation against outside noise and ventilation the quality of the residential accommodation would be acceptable.

The proposal would meet code level 3 for sustainable homes, provide for 20% renewable energy and meet the sustainable construction checklist.

A financial contribution of £117,766 plus a £5,888 monitoring fee is proposed to fund the education financial contribution. Whilst this is not the full amount of £338,791.96 sought under the planning obligations strategy, the Council's financial consultant has agreed the appraisal which states that Notting Hill Housing Ownership would sustain a loss even with only providing this sum.

RECOMMENDATION: PERMISSION subject to a S.106 to secure the following:-

1. Social Rented units to be constructed in accordance with the current Housing Corporation Scheme Development Standards and all units in accordance with the Eco Home Standards with a minimum target of achieving a very good rating
2. Residential units to not be used for any purpose other than for the provision of affordable housing
3. Rental levels to be no greater than the maximum target rents published by the Homes and Communities Agency
4. Shared ownership units to be affordable to households with a low to moderate income currently defined as not exceeding £35 000.
5. Residential units and commercial units to be members of an approved car club, which has been promoted and advertised to each potential occupier, and provision included for it in any lease, licence or tenancy agreement
6. Removal of eligibility for car parking permits for residential units

Site description:

1. The site comprises a cleared area of land, which was formerly occupied by a petrol filling station, car workshop, and car sales area and which fronts the Lower Richmond Road, which is part of the Transport for London Road Network (TRLN). It has a site area of 0.46 ha and has been vacant for at least some 5 years. Commercial premises adjoin the western and southern boundaries including a Removals building, on the southern boundary. The site has a frontage of just under 60m to Manor Grove. The rear eastern area of the site backs onto the rear gardens of 176-194 Manor Grove. On the Lower Richmond Road frontage to the west is a parade of 3 shops with residential accommodation above. There were formerly 3 vehicular accesses to the site, an 'in' and an 'out' access from Lower Richmond Road and a third access from Manor Grove. There are five London Plane trees located within the adopted highway adjacent to Lower Richmond Road of young, early mature and mature age classes. A cherry tree is located within the adopted highway of Manor Grove. All the trees are graded category B which is of moderate quality and value.
2. There is an existing bus stop located on the Lower Richmond Road adjacent to the site frontage and a cycle lane. A Sainsbury superstore is situated some 200m west of the site and the North Sheen railway station some 750m to the south west.
3. In relation to adopted designations, the area to the west of the former garage is identified as in need of tree planting and the areas to the south, south west and south east are identified as deficient in public open space. The site is identified for past industrial use and lies within flood zone 1 low probability and PTAL 3.

Planning history:

Notting Hill Housing Ownership schemes

4. There has been a series of planning refusals of schemes by Notting Hill Housing Ownership on the site since 2005. The first was for an outline scheme, incorporating not less than 90% affordable housing, with car reduced parking including the closure of the existing accesses to Lower Richmond Road and the formation of a new access to Manor Grove (05/1050/OUT). The plans indicatively showed 79 dwellings with 198 habitable rooms and 28 car parking spaces. The mix was to comprise 26 x 1 and 2 bed flats for rent, 46 x 1 and 2 bed flats for shared ownership and 7 x 3 bed houses either for rent or private sale depending on financial viability.
5. The indicative drawings showed two 4 storey blocks of flats on the Lower Richmond Road frontage with a pedestrian access between and a two storey block running parallel with the existing warehouse building in Market Road and a 3 to 4 storey block parallel to the rear of 178 to 194 Manor Grove. A new vehicular access was to be created from Manor Grove.
6. The refusal was on the grounds of:-
 - Land use - loss of employment use and failure to demonstrate a satisfactory mix of housing tenure and unit sizes and that up to 10% private housing was necessary to financially cross subsidise the affordable housing
 - Design - failure to demonstrate that the proposed design, form, height, bulk and mass of the development could be satisfactorily accommodated on the site, without detriment to the character and visual amenities of the area and the amenities of neighbouring residents.
 - Residential amenity - The indicative design, size, bulk, mass, height and siting would constitute an un-neighbourly form of development, which would potentially be overbearing and visually intrusive, and result in unacceptable overlooking and loss of

- privacy, and increased noise and disturbance from traffic using the new vehicular access, to the detriment of the occupiers of neighbouring residential premises.
- Car parking The limited amount of indicative on site car parking, would be likely to generate increased demand for on street car parking in neighbouring residential roads, to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highway and the residential amenities of the area.
 - Trees The potential jeopardy of the long term health of the London Plane tree sited on the Richmond Road at the junction with Manor Grove, important to the visual amenities of the street scene.
 - Education contribution Lack of an appropriate contribution towards educational facilities within the Borough
 - Play/amenity area Given the number and form of residential units, the absence of a proposed play area/amenity space, and the proximity to an area designated as poorly provided with open space, the proposal would provide a poor quality housing environment which failed to improve the provision of open space in the area.
 - Potential noise nuisance In the absence of an acoustic survey it had not been demonstrated to the Council's satisfaction, that there would not be potential noise nuisance to the potential occupiers of the development from neighbouring commercial land uses.
 - Contribution for vehicular access
 - Absence of a S.106 planning agreement to secure funding for safety auditing of the new accesses in accordance with the Construction Design management (CDM) regulations
 - S.106 Legal agreement Lack of a binding S.106 Legal Agreement to secure the provision of affordable housing and tenure mix.
 - Wheelchair housing Failure to demonstrate that the development would potentially provide at least 10% of units built to wheelchair standards.
 - Standard of residential accommodation Potential siting and form of the development would potentially provide a cramped poor quality of residential development with unacceptable overlooking and loss of privacy between residential units, insufficient daylight/sunlight to residential units and insufficient space for cycle parking, refuse storage and recycling facilities.
7. A revised proposal was submitted in January 2007 for a mixed development to include commercial floorspace (07/0300/FUL). This comprised 58 residential units in total with 28 affordable units (48%) and 30 private units (52%). The breakdown for the affordable was to be 14 for rent (50%) and 14 for shared ownership (50%). The affordable housing broke down into 8x1 bed, 13x 2 bed and 7 x 3 bed. The private comprised a mix of 18 x 1 bed and 12 x 2 bed with 60% one bedroom units. 8.6% of the units were to be built to wheelchair standards.
 8. The commercial element of the scheme consisted of 1137 sq.m. of classes B1 and B8 floorspace split between two blocks on the Lower Richmond Road frontage on the ground and first floors of one block and the ground to second floors of the other.
 9. 4 parking spaces for the commercial with one goods vehicle space were provided and 35 car parking spaces for the residential and 58 cycle spaces. A car club scheme was also proposed.
 10. The development was to be 3 and 4 storey with 4 storeys on the Lower Richmond Road frontage stepping down to 3 storeys adjacent to the parade of shops and on the corner and return to Manor Grove. In relation to block B running parallel with 17 Market Road it was similarly 4 storeys in the middle stepping down to 3 storeys at either end. Block C on the southern boundary was similarly 3 storeys at either end and 4 in the middle.

11. As compared to the outline scheme, the vehicular access was now to be provided from the Lower Richmond Road, instead of Manor Grove.
12. A communal play area was now incorporated and communal gardens were proposed. Most of the residential units had some private amenity space in the form of a garden, terrace or balcony.
13. The scheme was refused in April 2007. The failure of the outline scheme to include any employment floorspace had been satisfactorily addressed. However, there was still considered to be an unsatisfactory mix of housing tenure and unit sizes, failure to provide at least 10% of units built to wheelchair standards and satisfactory disabled car parking, and the absence of a binding S.106 Legal Agreement to secure the provision of affordable housing and tenure mix.
14. In addition, the quality of design of the internal courtyard area was considered to be unsatisfactory. The open space was dominated by car parking, cycle parking and a significant area of hardsurfacing and the relationship between the siting of the housing and the green space/play area, and the amount and form of the amenity area for the total number of units and family units, were considered to be poor.
15. It was considered that block A and the balconies would be visually intrusive and overbearing, and result in unacceptable overlooking and loss of privacy to the gardens of the adjacent Manor Grove properties. Similarly that block C, together with the adjacent Ramsey and Sons removals building to the south, would be visually intrusive and overbearing to the gardens of the adjacent Manor Grove properties; and by reason of the limited distance between bedroom windows and first and second floor commercial windows of 1-13 Market Road would result in unacceptable mutual overlooking and loss of privacy to these properties to the detriment of existing and potential occupiers. Also that block B/C, would result in an unacceptable loss of daylight to the first floor of the commercial building at 1-13 Market Road.
16. The width of the service road was considered to be inadequate and would have resulted in vehicles queuing on the strategic A316 Lower Richmond Road. The internal road layout was also considered to be inadequate for servicing the B8 use and for parking and turning and pedestrian access. There were insufficient recycling facilities.
17. The standard of accommodation for 2 of the proposed residential units was considered to be unsatisfactory.
18. By this time the Council had introduced its Sustainable Construction Checklist SPD and it had not been demonstrated that the proposal would comply with this. In particular the employment use had not been included in the energy assessment.
19. It still had not been demonstrated to the Council's satisfaction, that there would not be potential noise nuisance to the potential occupiers of the development from neighbouring commercial premises.
20. In the absence of arrangements to secure the provision of adequate replacement tree planting on the Lower Richmond Road; the repositioned bus shelter, flag and clearway; the re-aligned kerb between Market Road and Manor Grove and upgrade of the footways and cycle lane and provision of raised inset loading bay for servicing the existing retail units at 1-3 The Parade; amended carriageway markings; and raised entry treatments to the entrances to the site, Manor Grove and Market Road; the proposal was considered to be detrimental to the visual amenities of the street scene and to pedestrian, cyclists

and highway safety, and to the encouragement of walking, cycling and use of buses as a mode of transport.

21. The absence of a S.106 planning obligation and an appropriate contribution towards education, health, open space and the public realm, sport, and transport facilities.

07/3787/FUL

22. A further application was submitted in November 2007 (07/3787/FUL). The main differences between this and the previous scheme were as follows. The commercial floorspace had been reduced by 80 sq.m. to 1057 sq.m and the number of residential units 1 from 58 to 57. The percentage of affordable units had increased to 49%. 21 units (75%) were for social rent and 7 (25%) for shared ownership. In relation to the private units 59% proposed were small. The road access radii and width had increased in size. One less car parking space was proposed, 34 spaces, giving a parking ratio of 0.59 with 2 spaces for the car club as before. The design of the internal courtyard area had changed. In relation to the housing blocks, the second floor of Block C had been pulled 1.5m further back from the Manor Grove properties and the overall height reduced by 0.6m for a 7m section back. In relation to block A the top storey had been set back some 1.8m and the balconies deleted at second floor level.

23. This proposal had now fully addressed the land use concerns including the tenure and mix of the affordable housing, although in the absence of a S.106 to secure the provision of affordable housing and tenure mix there was still an objection. The scheme continued to fail to provide at least 10% of units built to wheelchair standards.

- It was considered that the failure to provide a children's play facility and in the context of the number of residential units and family units, together with the proximity to an area designated as poorly provided with open space, would provide a poor quality housing environment which failed to improve the provision of open space in the area.
- The design and layout of the service road and internal road layout continued to be a problem to the detriment of highway and pedestrian safety. The changes to block C were considered to have satisfactorily addressed the previous residential amenity concerns. However, the changes to block A, whilst an improvement, were considered not to have gone far enough to address the residential amenity issue in relation to the Manor Grove properties with respect to visual intrusion and overbearing impact and overlooking.
- There continued to be problems in relation to the standard of residential accommodation of unit 5 in relation to daylight, sunlight and overbearing impact and to the future occupiers of 7 of the units in blocks B and C from potential noise nuisance from neighbouring warehousing. Similarly it still had not been demonstrated that the proposal would comply with the Council's SPD Sustainable Construction Checklist.
- There also continued to an issue regarding the absence of arrangements to secure the changes/improvements to the Lower Richmond Road and adequate replacement tree planting. Similarly there was no S.106 to secure an appropriate contribution towards education, health, open space and the public realm, sport, and transport facilities within the Borough.

History prior to Notting Hill Housing Ownership applications

24. Prior to the Notting Hill Housing Ownership applications, there had been a considerable number of applications on the site. The most pertinent of which were as follows. In 1996 a S.191 established use certificate was issued for the use of the rear workshop for motor repairs and MOT procedure (96/0879/S191). Planning permission was granted in 1980 for the re-development of the existing petrol service station (80/934) and in 1987 for

renewal of this permission (86/1779). In 1991 permission was granted for a new car wash (91/0633/FUL). There had been a series of applications relating to car sales from the site (78/675, 75/1231, 87/196). Planning permission was granted in 1971 for the erection of a new Diagnostic Centre, workshop and service station with parking for 30 cars, toilets and shop (70/2466). A condition was attached that there should be no sales from the open area. In 1975 permission was granted for the renewal of 70/2466 which was for a continuation of use as a diagnostic centre and service station with workshop, car wash, toilets etc (75/87).

The current proposal:

25. It is proposed to erect a part three part four storey development to provide a mixed use scheme of 52 affordable residential units (social rent and shared ownership) units and 1018 sq.m. commercial floorspace (class B1). A new vehicular access is proposed from the Lower Richmond Road with 35 car parking spaces. 30 for the residential and 3 for the commercial. A car club is also proposed and 2 spaces will be allocated for this purpose. The form of the development is similar to that on the last refused scheme 07/3787 i.e. blocks along the majority of the perimeter of the site enclosing a central landscaped courtyard area. The main changes between 07/3787 and the current scheme are as follows:-

- 100% affordable housing (previously 49%).
- Number of residential units reduced by 5 from 57 to 52
- Tenure change. Previously 21 units for social rent (75%) and 7 for shared ownership (25%) and now 20 units for social rent (38%) and 32 units for shared ownership (62%)
- Block A the first, second and third floors have been set further back at the eastern end, and the number of balconies reduced
- Blocks D and A have increased in height
- The roof form of block A facing Manor Grove has changed

- The materials would comprise a mix of facing brick (2 types), self coloured render, simulated slated grey, self-coloured cladding panels, galvanised balconies with translucent panels and cedar cladding tiles.

- There would be a series of solar tube collectors and photo voltaic panels on the roofs of blocks A, B, C and D and
- The proposal would result in the removal of 2 early mature category B Plane Trees on the Lower Richmond Road frontage which fall within the jurisdiction of TfL.

Representations:

26. **The Environment Agency** – Recommend permission subject to planning conditions controlling contamination and providing for suitable remediation, given that the site was occupied by a petrol filling station and workshop and surface water run off.
27. **Thames Water** –
- No objection in relation to waste.
 - In relation to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. If it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Prior approval required for to discharge to a public sewer.
 - No objection in relation to water infrastructure

- Suggest informative regarding minimum flow rates from Thames Waters pipes which developer should take account of
28. **Environmental Health** – No in principle objection subject to the mitigation measures outlined in the acoustic report being satisfactorily implemented. Condition recommended regarding insulation and associated ventilation of the residential units against the transmission of externally generated road and aircraft noise.
29. **Waste Management** - 5760 litres of waste storage capacity required, 6 x 1100 It containers or 9 x 660 It bins. Residents shouldn't have to carry their waste more than 30m to the bin store area. The waste and recycling collection vehicles must be able to drive into the development and reverse the vehicle to within 10m of where the bins are collected from. The carriageway in the development must be able to withstand the weight of the collection vehicles. 2.6 cubic metres waste storage is needed for every 1000 sq.m. gross floor space. One third of this capacity must be retained for the storage of separated waste for re-cycling.
30. **English Heritage** – Recommend that the application is determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
31. **TFL** –
- Welcome the provision of a green travel plan and a car club to promote sustainable modes of travel provided it complies with the ATTriBuTE guidelines, has a monitoring programme and stipulated times for achieving the set targets
 - A Construction Logistic Plan (CLP) should be secured for the site to detail efficiency and sustainability measures during the construction period
 - A Construction Management Plan will be required by the Highway Authority for approval prior to construction of the development
 - Transport assessment report makes no reference to any impact of combined committed developments, the development traffic and network traffic on the capacity of Lower Richmond Road during the peak.
 - Swept path analysis drawing (appendix E) does not demonstrate that rigid refuse vehicle does not encroach on the outside lane on the A316 road outside the access. A clear scaled and dimensioned drawing with delineated lane markings would be helpful in clearing up this point.
 - Details of the arrangements to revise the existing access arrangement and relocation of the bus stop in front of the development must be discussed and approved by the specialist teams within TfL before the application can be fully supported i.e. a 21m lead in taper will be required for the revised bus lay by.
 - Development will result in a number of trees being removed. TfL only considers such measures where it is extremely necessary and can be supported by an Arboricultural Report with mitigation measures for any tree losses for approval.
 - Essential that the developer liaises with TfL on this matter because of the footway and cycle lane improvement scheme earmarked for implementation on Lower Richmond Road which will affect and benefit the development. TfL request that the developer makes a contribution towards the provision of the highway improvements within the vicinity of the development. Any work to be undertaken on the TLRN should be carried out with the context of a S.278 agreement with ftL.
32. In relation to revised drawings relating to works on the Lower Richmond Road advised that the arrangements appear to be acceptable. In relation to tracking, the dustcart can access the property whilst remaining in lane 1 but is required to use both lanes to exit,

however this is the situation on a number of other accesses and side roads onto the A316 and therefore not an issue.

33. In regard to the plan for proposals along the A316 the arrangements are generally fine, but will require tweaking as follows:
 - The bus stop and shelter need to be relocated further west, so the shelter is positioned 10 metres east of the new access, and the associated tactile paving moved too. This is to allow for two buses to observe the bus stop at any time and allow for passengers to be picked up / set down away from the cycle lane. Bus stop cage to be lengthened westwards to approximately 4 metres past the shelter.
 - The additional ladder and tram line tactile are not required and need to be removed, (just east and west of the bus stop.
 - Additional ladder and tram line tactile needs to be provided east and west of the new access.
 - An additional new tree will be required, possibly to the west of the access.
 - Remove additional broken lines across the new access, which have been provided to demark the cycle lane.
 - Extend the length of double red lines, 'no stopping at any time' to cover the whole length between the zig zag markings and the parking bay.
34. TFL need to confirm that the arrangements for funding these works will be through a section 278 agreement, which will require £60,000 and a TfL contractor to undertake the works.
35. They should also be advised that these highway improvements will be undertaken between February and May 2010 and will require access to the whole width of the footway over this period, i.e. no hoarding to be provided on the footway during this period. We should be able to be more specific on the period of works once we have a programme from EM.
36. Finally this will be subject to a Stage 1 and Stage 2 Road Safety Audit and approval from TfL's Director to remove the tree, as we are still awaiting receipt of the completed tree removal form and the arboriculture report.
37. **Contaminated Land Officer –**
38. The Councils records confirm that the site was previously occupied by an unspecified 'Works' and most recently a Garage and a Petrol Filling Station. In view of the change in use of the site to a more sensitive end use (including residential) and the high likelihood of contamination having arisen from the former use of the site they consider that environmental assessment of the site is warranted. In addition, due to the mobile nature of the contaminants likely to be present, the risk to controlled waters should also be considered.
39. This should be in the form of a phased investigation and should include:
 - An Initial Desk Study,
 - Intrusive Site Investigation including both soil, gas and groundwater and a Risk Assessment relating to each,
 - Remediation and Validation.
 - being undertaken and also that this section is kept informed of any site activities.)

40. **Ecology officer** - Satisfied with the Extended Phase 1 Habitat Survey and Badger Survey and Reptile Mitigation Strategy. The issues of badgers and reptiles are being properly dealt with.
41. **The Richmond Society** - Concerned about the quality of architecture which is so hard edged along the A316 which is an important access and entry to Richmond Town centre. A softer image should be projected.
42. **Manor Grove Residents Association and 29 households objecting on the following grounds:-**
- Density
 - Insufficient car parking exacerbating existing on street car parking problem for residents in the vicinity and resulting in cars parking in Market Road making it difficult for pantecnicon lorries to service Rumsey and Sons removals and large multi-deck lorries collecting vehicles from auto recovery service ltd in Market Road, and other service vehicles delivering to businesses on the Market Road industrial estate.
 - Traffic generation
 - Highway and pedestrian safety
 - Car parking zone should be introduced
 - Inadequate existing infrastructure in relation to schools, doctors, dentists, waste and sewage, playgrounds and general services in the area
 - Design/poor quality/severity of design
 - Height of buildings
 - Adverse impact on social demographics of area
 - Density/overdevelopment
 - Light industrial use incompatible with residential
 - Loss of daylight and sunlight
 - Overlooking and loss of privacy
 - Crime
 - Insufficient employment space/site should be providing jobs
 - No need for commercial floorspace given vacant premises along the A316 and in the area
 - Lack of any private housing
 - Increase in anti-social behaviour, drugs, illegal activities, promiscuous/irresponsible single mothers, potential ghetto effect
43. Non-planning matters of distant landlord unable to resolve tenants problems; 24 hour access needed to G and W auto recovery service Ltd. in Market Road.
44. 1 letter in support. Developers have listened to and responded to all the issues raised by local residents.

Professional Comment

45. The main issues in this case relate to whether the previous reasons for refusal on 07/3787/FUL have been adequately addressed; whether there has been any material change in circumstances, and whether the proposal raises any new issues.

Land use

Employment

46. The previous scheme (07/3787/FUL) was considered acceptable in relation to the amount of employment floorspace proposed (1057 sq.m). The amount of floorspace has reduced by some 50sqm. However the proposal will still provide some 1000 sq.m of new

build employment floorspace, in a well located and highly accessible location close to North Sheen Railway Station. Further, it has been designed flexibly and could provide small units which the Council supports. It is therefore welcomed in relation to policies EMP4 and 7 of the Unitary Development Plan: First Review and policy CP19 of the adopted Local Development Framework Core Strategy.

Affordable Housing

47. As compared to the refused scheme a 100% affordable housing is now proposed. This is particularly welcomed given the historic employment use of the site and where para 8.3.7.3 of the LDFCS states that where a mixed use scheme is proposed affordable housing should be maximised above normal requirements set out in CP15 (50%).
48. The breakdown of the 52 units is as follows:-
- | | |
|-----------------------------------|----------------------------------|
| 49. <u>20 Social rented homes</u> | <u>32 Shared ownership homes</u> |
| 5x 1 beds | 10 x 1 beds |
| 8x 2 beds | 22 x 2 beds |
| 7 x 3 beds | |
50. The affordable housing split is 38% social rented and 62% intermediate. The split differs significantly from the overall balance set out in CP15 which expects 80% housing for social rent and 20% intermediate and the Sub-Regional Investment Framework. However, the overall increase in provision of affordable housing reflects the Council's priorities. Further, the provision of 20 social rented homes fulfils the requirement had the scheme not been for 100% affordable housing i.e. 80% of 50% of 52 units and the additional provision of shared ownership units is welcomed. Notwithstanding the economic climate, housing officers confirm there continues to be demand in the borough for shared ownership. The proposal is welcomed in terms of policy CP15 of the LDFCS.
51. 75% of the social rented units will be 2 or 3 bedroom sought by policy CP15 A ii and the Sub-Regional Investment Framework requirements.
52. The provision of 6 wheelchair units, five for social rent and one for shared ownership, the equivalent of 12% of all units will exceed the Council's standard of 10% and the building of all units to Lifetime Homes standards meets the Council's policy (CP14E of the LDFCS).

Traffic generation and highway safety

53. A transport assessment has been provided dated July 2009. The site has a PTAL level of 3 which indicates a moderate public transport provision for the site and that public transport is readily available. The site is only some 750m from North Sheen Station. There are 3 bus services which operate on the Lower Richmond Road (R68, 190 and 490) and 6 bus services within 400m of the site (419, 493, R70, 371, H22 and 391).

Traffic generation

54. Traffic generation and impact on the A316 and highway safety, have not been raised as an objection to and reason for refusal on previous applications. This is given that the proposals would generate less traffic than the former petrol filling station. The latest assessment using TRICS and TRAVL databases, advises that a re-opened petrol filling station would potentially generate 176 and 196 vehicle movements during the Am and PM peak hours respectively. This would compare with the residential element generation of between 16 and 32 movements during the weekday AM peak hour and 17 to 42 movements during the weekday PM peak hour and the commercial element generating 1

movement in the AM peak and 1 in the PM peak. It is also anticipated that 51% of the trips generated by the development will be by foot and public transport with 2% by cycle.

Car parking

55. The key issue in the past has been the amount of car parking being provided on site. The ratio in the latest scheme would be 0.6 spaces per unit (32 for 52 residential units). There would be a shortfall of 20 spaces for the residential. A car club scheme is proposed with 2 parking spaces on site. The traffic consultant for the applicant advises that providing 2 club vehicles is the equivalent to replacing at least 12 private cars (Car plus document 'Car Clubs in Property Developments'). This will be operated by an established operator in partnership with the Notting Hill Home Ownership and the Local Authority. The highway consultant advises that it could also be open to the surrounding community.
56. In respect of off street car parking provision the relevant policy in the UDP, First Review, is TRN 4 which refers to maximum standards being set for all types of development. Policy TRN 4 allows for a provision that is less than the maximum set providing there would not be an 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.
57. A car parking survey was carried out between 4am and 6am on Thursday 26th March 2009 and between 11pm and 1.30am on Saturday 28th March. The survey covered a distance of 200m (equivalent to a 2 minute walk time) in all directions from the development site. Given the perceived and actual severance of the A316 Lower Richmond Road, roads north of the Lower Richmond Road have not been included. The roads included were Bicester Road, Garden Road, Lambert Avenue, Manor Grove, Market Road and Orchard Road.
58. Whilst the surveys show substantial capacity on Garden Road, Market Road and Orchard Road, the Council's Highway engineer, considers that they will be unlikely to be used, given that they are located on the adjacent industrial site where residents will be reluctant to park for personal safety and car safety reasons. (The survey shows overall parking stress of 58% and 48% for the weekday and weekend respectively 70 and 93 on street car parking spaces). The Council's Highway engineer considers it more appropriate to consider the closest residential streets. Bicester Road, Manor Grove and Lambert Avenue have on average 91% (Thursday) and 82% (Saturday) parking stress, with 29 and 52 spaces respectively available. The survey shows that there will be overspill capacity on street for any car parking which cannot be met on site. If there were to be a problem in the future then a controlled car parking zone could be introduced to control the car parking situation as in other parts of the borough.
59. Unlike the earlier schemes the applicant has finally provided, information on two other affordable housing schemes and the car parking ratios (June 2009 survey). Whilst the sites given are in PTAL4 they are not dissimilar to the application site. The information shows that on site parking levels at both sites are low compared to the number of units 0.47 and 0.28 respectively and in the Hounslow case the uptake of on site parking is low 62%.
60. To encourage residents and occupiers of the development to adopt alternative modes of travel to that of the private car and to compensate for the reduced provision of parking within the site, a Travel Plan will be developed for the site.

61. Given the terms upon which this application has been assessed, it is recommended, as a heads of terms of the legal agreement, that eligibility for car parking permits be removed for the residential units should a controlled car parking zone be introduced within 5 years of the date of the planning permission.

Design and trees

62. The general height, bulk, form and detailed design of the buildings have already been agreed in principle, given that the two previous schemes (07/3787/FUL and 07/0300/FUL) were not refused on design grounds.
63. There is a modification to the previous refused scheme (07/3787), in that the height of block D is 0.8m higher, however this is only some 0.8m higher than the parade of shops adjacent and is not considered to be an issue. Some moderate variation in height can add to the visual quality of the streetscape. Similarly the central part of block A has increased in height by 0.6m, the side additions by 0.4m and the eastern end on the corner with Manor Grove by 0.5m. Similarly this is not considered to be an issue. The stepping up and down of the development in the middle of the site frontage looks appropriate in the street scene. The design of the return frontage to block A to Manor Grove at the southern end has changed in that the previously proposed third storey with a pitched roof has changed to a flat roof and the height has reduced by 0.9m. The detailed fenestration design has also changed. These changes are considered acceptable. There is less of a height differential between the scheme and 194 Manor Grove than before. Whilst the previous scheme had a pitched roof in keeping with the terrace of houses adjacent, the development to this frontage is part of a larger development where the design aesthetic is contemporary with substantial areas of flat roofs and this approach is considered entirely appropriate. Further, the proportions of the windows are in keeping with those of the Manor Grove Houses which assists in tying the development in with the existing houses.
64. I have some sympathy with the Richmond Society's comment that the development is rather hard edged to the Lower Richmond Road, given that there is minimal modelling to the 4 storey block with just minor set backs of 0.2m either side of the central block, and a reduced height of just 1.2m. However, the massing is broken up by the use of large areas of glazing and different materials, and the changes of height and building line do provide some, albeit limited, modelling. I therefore consider the design to be acceptable in design terms.
65. Following extensive negotiations the design of the internal courtyard area is now considered to be of an acceptable quality. The areas of hard surfacing for car parking have been broken up with soft landscaping and the introduction of fastigate trees and a mature specimen tree as a focal point in the central main play area. A wildlife habitat area and including a log pile is included in the south east corner of the site. The area will have restricted access and an appropriate maintenance regime will be developed by an ecologist. Sedum and/or meadow roofs will be provided to the bicycle/re-cycling stands and green roofs are proposed on the flat roofs to blocks B, C and A, which will contribute to bio-diversity on the site. Plant species will be primarily native or attractive to wildlife. 8 Bird and bat boxes/bricks will be provided. All trees will be listed from the recommended in the list of Wildlife attracting plants. Specimen trees are proposed adjacent to 194 Manor Grove in the car parking area adjacent to block A. Whilst it would be desirable for there to be more landscaping in this area it is considered that it would be difficult to sustain an objection on this ground.
66. There is an issue in relation to the removal of 2 early mature category B Plane Trees on the Lower Richmond Road frontage. These fall within the jurisdiction of TfL. This Council

would take the view, in weighing up all the issues, that whilst it's regrettable that they would be removed given they are semi-mature, important to the visual amenities of the street scene and would provide immediate softening to the development, in the context of the overall scheme greater weight should be given in this particular case to the provision of substantial benefits to include significant modern employment floorspace and 100% affordable housing. Further, the applicant has indicated the provision of 3 replacement trees and two existing mature and early mature street trees would be retained retaining existing substantial screening. The applicant will need to get agreement from TfL to remove the street trees of which they are aware.

67. The London Plane at the corner of Manor Grove and Lower Richmond Road is mature, of high amenity value and has a high screening potential for the new development. Whilst it would have been desirable for the building to be sited some 10m at its closest from the tree to allow for building and the trees development, there is a reasonable amount of space, some 8m at its closest, and it is considered that it would be difficult to sustain a refusal on this ground. No objection was raised in the two previous refused schemes on this ground.
68. The paving will be permeable with the pedestrian pathways porous.

Residential amenity

69. Policies BLT15 and 16 of the adopted Richmond upon Thames Unitary Development Plan: First Review, seek to ensure that there is no unacceptable loss of daylight and sunlight, visual intrusion, or overlooking and loss of privacy to neighbouring residential properties. The Small and Medium Housing sites SPD also states that development should mitigate the visual intrusion of new development on existing properties, this will include consideration of overbearing issues and daylight and sunlight matters. Further that windows in new buildings should be placed so as to avoid overlooking well used adjacent gardens. Windows of main facing habitable windows should preferably be no less than 20m apart (para.4.2).
70. The relationship of block C remains the same as the last refused scheme in relation to the rear of 174 to 182 Manor Grove, other than an angled bay window has been introduced to the eastern elevation at ground and first floor levels. There was no objection raised on the last refused scheme in residential amenity terms in respect of this block. Given the angling of the bedroom window and its distance of some 11 m from the rear garden boundary of the nearest affected residential property (178 Manor Grove), this is considered to be an acceptable relationship. The existing trees in the rear gardens of 176 -182 Manor Grove including an Ash, Leyland Cypress and Eucalyptus will soften the development from the rear gardens of these houses.
71. Whilst details of the cycle store haven't been provided at this stage, it would be set some 2.5m to 2.8m from the rear boundary of 178 to 182 Manor Grove and there are 2 trees at the rear of no.280 one of which is evergreen, there is a shed at the rear of 282 and a tree at the rear of 284. It is considered that this would raise no unacceptable residential amenity issues.
72. No issues were considered to arise previously from Block B which is sited some 37 to 38m from the rear gardens of the Manor Grove properties.
73. The controversial element of previous schemes has been the relationship of Block A with the nearest affected residential house 194 Manor Grove. As compared to the last refused scheme the building line at first and second floor levels has been pulled back by 2.8m and 6.1m at third floor level with the previously proposed balconies opposite the rear garden of 194 Manor Grove removed and to all of the flats except for those at the

westernmost end. The development would now be approximately 17m from the side garden boundary of 194 Manor Grove at first and second floor levels and 22.2m at third floor level. Given the depth of the set back at third floor level this will be barely visible from the nearest garden. These amendments are considered to overcome the previous objections in relation to visual intrusion, overbearing impact and overlooking and loss of privacy to 194 Manor Grove.

74. It was previously considered that Unit 5 would not provide a very satisfactory standard of accommodation. This was because it would appear from the Applicants daylight report that they are relying on the light being on for the bedrooms and that the average daylight factor is right on the 50% and below for 2 of the bedrooms, and is only above the average if the third room is included. Further the small rear garden area to unit 5 would be surrounded by tall buildings the development itself measuring approximately 9m high rising sheer immediately adjacent to the courtyard and the adjacent 1-13 Market Road and Bushwood Books building to the south, measuring some 10m and 7.2m high respectively which would be overbearing and visually intrusive and would not receive adequate sunlight under the BRE sunlight and daylight standards. This was previously included as a reason for refusal on the application.

Sustainable Development Checklist and environmental rating for EcoHomes/BREEAM

75. The Council published SPD on a Sustainable Construction Checklist in August 2006. It applies to applications for major development and the Agent is expected to illustrate compliance. The above is supported by policy CP1 of the LDFCS which 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 to meet the Code for Sustainable Homes level 3 and BREEAM 'excellent' for other types of development. Policy CP2 states that the Borough will reduce its CO2 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 CO2 of 20% from on-site renewable energy generation, unless it can be demonstrated that such provision is not feasible.
76. An Energy Report, Sustainability Checklist and Habitat survey has been submitted by Wessex Energy Associates dated July 2009. It concludes that pre-assessments have been completed and the scheme will achieve level 3 of the Code for Sustainable Homes and BREEAM 'excellent' for the commercial element. The scheme provides for solar thermal (3m² per dwelling) and solar PV (2m² per dwelling) on the roofs of blocks A, B C and D. Air source heat pumps are also included for the commercial units in blocks A and D.
77. The Ecological assessment carried out by Middlemarch Environmental Ltd. This recommends a habitat/species enhancement scheme is incorporated into the landscaping scheme to maximise the ecological value of the site. This will include the planting of native seed/fruit bearing species which will be of value to wildlife. Further, that there could be reptiles on the site and to ensure no offences occur under the Wildlife and Countryside Act 1981 that a reptile survey is undertaken between March and October and prior to commencement of works on the site and that any vegetation clearance works are undertaken outside of the bird nesting season.
78. The applicant has demonstrated satisfactory compliance with the Sustainable Construction Checklist.

Amenity/play space

79. Policy CP17.D of the LDF:CS states that provision for open and play space will be promoted within new development as appropriate. Policy 3D.13 of the London Plan 2008 states that developments should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. . Para 3.312 advises that provision should normally be made on site, and in accordance with the play strategy for the area. The London Plan SPG Providing for Children and Young People's Plan and Recreation adopted March 2008 states that a benchmark standard per child of a minimum of 10 sq.m should be applied in assessing the play requirements arising from new developments, unless there is the opportunity to access existing provision. The development includes an area of approximately 307 sq.m. of play/amenity space to include the adjacent footpath. The child yield of the development would be a total of 43 (27 x 0-4 year olds, 16 x 5-11 year olds and 7 x 11 year olds). There is a play area and play space at North Sheen recreation ground within 400m of the development. The proposal would meet the lower open space threshold in play provision for new developments (300-500 sq.m for 30-49 children) Appendix A of the SPG Benchmark B.6. On site doorstep playable space would be provided for the under 5's to the 11s and there would be provision for the 5-11's and 12+ children at the North Sheen recreation ground within 400m. Whilst the amount of play provision is tight at the bottom end of the threshold, on balance together with the existing recreation ground, the provision is considered acceptable.

Flood risk

80. The site is located within flood zone 1. A flood risk assessment has been provided as this is a major development. Under Table D.3 of PPS 25 more vulnerable development, which this is, is considered appropriate and it passes the sequential test given that it aims to ensure that residential development is located within flood zone 1. (The exception test is not applicable in flood zone 1). The risk of groundwater, overland and sewer flooding is considered to be low. The Environment Agency have no objection subject to planning conditions controlling contamination and providing for suitable remediation, given that the site was occupied by a petrol filling station and workshop and surface water run off.

Noise

81. Environmental Health have advised that there is a significant amount of noise from the A316 and aircraft, however, that this is not an untypical situation in the Borough along a major road. Also that there will be noise from existing commercial units in the vicinity.
82. A noise survey was carried out by the applicant for road traffic, civil aviation, background and industrial noise on the 24th and 25th April 2008. Measured levels demonstrated that the majority of the proposed development can be classified as Noise exposure curve B (Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise). However, the front and side faces of block A which faces the Lower Richmond Road falls into NEC C for both day time and night time periods (Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. Environmental Health have advised that they have no objection subject to conditions regarding insulation and associated ventilation of the residential units against the transmission of externally generated road and aircraft noise which are recommended.
83. Blocks B and C will effectively act as a noise barrier shielding other areas of the proposed development from any new or existing industrial noise sources to the south or west of the site.

84. The consultant advises that due to the level of noise from planes and road traffic, it was not possible to conduct meaningful surveys of industrial noise. Further, it was not possible to know the exact nature of future commercial activities. However modelling demonstrated that the noise sources situated to the west and south of the site would be attenuated by blocks B and C.
85. The previous report in 2005 advised that whilst noise from some of the commercial activities at the western side and southern end of the site was audible on occasions, the levels were low and subjectively not intrusive. In addition, the duration of any noise events was quite short, with the longest events being those of loading or unloading removals vans at Rumsey and Sons. These activities were done with a fork-lift truck (electric-low noise level) and by manual handling, and usually lasted for a few minutes. The loading/unloading occurred quite infrequently throughout the day. For long periods during the day no noise was audible from any of the commercial premises.
86. During the survey no noise was heard from Bushwood Books, and no noise from G and W Auto Recovery with the exception of a recovery truck manoeuvring near Rumsey and Sons premises. During the survey this was noted only twice and lasted for less than a minute. Very little noise was audible from the River Traders building which is now occupied by a self-storage unit (In relation to previous communications with 2 of the commercial premises (Rumsey and Sons and Bushwood Books) it has been stated that neither of these usually operate during night time hours. The earliest start time was 7am (Bushwood Books). The usual working hours for Rumsey and Sons was reported to be 8am to 5pm. It was noted at the time of the survey at 7.30am that G and W Auto Recovery was not open.
87. Environmental Health previously raised a concern about any night time working from the existing B8 use situated opposite proposed blocks B and C (1-13 Market Road) as there are no existing restrictions in terms of times of use on the B8 use. Therefore any night time working could cause potential loss of amenity to residents in block B and possibly block C. The previous scheme included bedroom windows to unit 5 in block C sited perpendicular to the warehouse. These have been replaced with a kitchen and bathroom window. There are no other windows within the rear facades of blocks B and C which face south or west. Whilst there are some glass blockwork areas to common areas within Block B to let more natural light in from the west façade it is permanently fixed and will have higher attenuation than double glazing.
88. Environmental Health have advised that they have no objection to the proposal subject to the mitigation measures outlined in the report being satisfactorily implemented to ensure that the internal noise levels meet the World Health Organisation standards in relation to transport/industrial noise. Ventilation may be required for noise exposure category C facades and they should provide acoustic attenuation in order to achieve the target internal noise levels. The new design has taken into account the proximity of existing commercial use and offers suitable protection against this.
89. Environmental Health previously had a concern about operating times of the previously proposed B8 use where they would have wanted an hours of operation condition to prevent noise nuisance to residents. It is therefore recommended that a planning condition is imposed to prevent change of use to B8 under the use classes order.

Bio-diversity

90. Policy ENV24 of the UDP:FR states that planning permission will not be granted for development which would have an adverse impact on protected species under the Wildlife and Countryside Act 1981 and that the Council will take into account the presence of local or national biodiversity and that where development is permitted that

may affect those species, the Council will impose conditions where appropriate, reduce disturbance to a minimum and provide adequate alternative habitats to sustain at least the current levels of population. Policy EN19 states that all new development will be expected to preserve and where possible enhance existing habitats and wildlife features and that the opportunity should be taken to create appropriate new habitats, in the design of the buildings themselves and landscaping which incorporates features to attract wildlife. Conditions will be used where appropriate to protect features, secure mitigating measures and appropriate management and subsequent monitoring.

91. CP4 of the LDF:CS states that the Borough's diversity will be safeguarded and enhanced and weighted priority will be afforded to protected species and priority species and habitats in the Richmond upon Thames Biodiversity Action Plan.
92. The Extended Phase 1 Habitat Survey advises that it was not possible to determine the presence or absence of reptile populations on the site, but that the matrix of scrub and grassland provides a suitable habitat for native reptiles which are protected by law. In some areas. Further, survey work restricted to certain times of the year is necessary with the earliest the survey work could be carried out being Spring 2010. A reptile mitigation strategy has been commissioned to ensure that any potential reptiles are appropriately protected. No construction works will be carried out on site until the survey has been carried out. The mitigation strategy could be dealt with by planning condition.
93. An initial badger survey was undertaken on 9th November 2009. No active badger setts were found nor signs of badger or mammal activity recorded.
94. It is therefore considered that the proposal would not be detrimental to biodiversity on the site.

Planning Obligations Strategy

95. Policy CP16 of the LDFCS states that new developments will be expected to contribute to any additional infrastructure and community needs generated by the development. Further, that it will have to take account of the requirements set out in the Planning Obligations Strategy (Supplementary Guidance to the UDP). Para.8.3.3.7 advises that on sites where 100% affordable housing is being provided the Council will consider reducing or removing planning obligations if justified through a financial appraisal model or other evidence, and that the GLA's Three Dragons or a similar model should be used in presenting the viability of a scheme.
96. Under the Council's matrix for calculating contributions a financial sum of £338,791.96 would be sought. This would be £142,640 for transport, £49,665 for play, £12,587 for education, £117,766 for education and £16,133 for a 5% monitoring fee. An economic viability appraisal has been submitted by Keyappa Consult to demonstrate that they could provide a sum of £100,232 which they believed to be the sum for education. The agent has subsequently confirmed that this would increase to £117,766 to meet the correct financial sum for education. This would still mean that there would be a deficit for NHHO however, they state that they would sustain this level of loss within its wider objectives. However, providing the full S.106 contribution would create a greater deficit which NHHO is not in a position to sustain.
97. The Council employed a consultant to verify the above viability appraisal. He confirms that the GLA/3 Dragons toolkit model (2008/9 version), shows a substantial residual value deficit against the site's acquisition cost and against its alternative use value, which suggests that the scheme cannot support any additional costs, including the full planning obligation contributions that the Council would normally expect of a scheme of this scale.

98. It is considered that there are special enough circumstances in this case to justify a departure from seeking the full planning obligations financial sum and to accept the sum for education only £117,766 plus a £5,888 monitoring fee.
99. The S.106 would also include the following heads of terms which the applicant has agreed to:-
- Social Rented units to be constructed in accordance with the current Housing Corporation Scheme Development Standards and all units in accordance with the Eco Home Standards with a minimum target of achieving a very good rating
 - Residential units to not be used for any purpose other than for the provision of affordable housing
 - Rental levels to be no greater than the maximum target rents published by the Homes and Communities Agency
 - Shared ownership units to be affordable to households with a low to moderate income currently defined as not exceeding £35 000.
 - Residential units and commercial units to be members of an approved car club, this has been promoted and advertised to each potential occupier, and provision is included for it in any lease, licence or tenancy agreement
 - Removal of eligibility for car parking permits for residential should a CPZ be introduced in the next 5 years.

Conclusion

100. The proposal would result in the welcome provision of a mixed use scheme including 52 residential units of 100% affordable housing. The proposed 20 social rented units would be significantly below the 80% of units sought by policy. However, the proposal meets the Council's priority for affordable housing and had the scheme included 50% private housing, 20 units would have met the policy. The scale and quality of design are considered acceptable in this location fronting the Lower Richmond Road and adjacent to the industrial estate to the west. The proposal would provide for 20 fewer car parking spaces than the Council's maximum standard of 1 space per unit (0.6 spaces per unit). Having regard to car parking surveys which show on street car parking availability and the inclusion of 2 car club spaces on the site, the car parking provision is considered acceptable in this case. Eligibility for car parking permits would be removed, should a controlled car parking zone be introduced in the next 5 years.
101. The proposal would result in no unacceptable impact on neighbouring residential amenity nor street trees. Subject to planning conditions regarding sound insulation against outside noise and ventilation the quality of the residential accommodation would be acceptable. Secure and covered cycle parking would be provided in accordance with policy.
102. The proposal would meet code level 3 for sustainable homes, provide for 20% renewable energy and meet the sustainable construction checklist.
103. A financial contribution of £117,766 plus a £5,888 monitoring fee is proposed to fund the education financial contribution. Whilst this is not the full amount of £338,791.96 sought under the planning obligations strategy, the Council's financial consultant has agreed the appraisal which states that Notting Hill Housing Ownership would sustain a loss even with only providing this sum.

I therefore recommend **PERMISSION** subject to a S.106 to secure the following:-

Social Rented units to be constructed in accordance with the current Housing Corporation Scheme Development Standards and all units in accordance with the Eco Home Standards with a minimum target of achieving a very good rating

Residential units to not be used for any purpose other than for the provision of affordable housing

Rental levels to be no greater than the maximum target rents published by the Homes and Communities Agency

Shared ownership units to be affordable to households with a low to moderate income currently defined as not exceeding £35 000.

Residential units and commercial units to be members of an approved car club, this has been promoted and advertised to each potential occupier, and provision is included for it in any lease, licence or tenancy agreement

Removal of eligibility for car parking permits for residential units

and subject to the following conditions and informatives:-

Standard Conditions

- AT01 - Development begun within three years
- BD04 - Details to specified scale Insert '1:5' 'the balconies' 'entrance canopies' 'doors and windows'
- BD12 - Details of materials to be approved
- BD10 - Sample panels of brickwork
- BD11 - Miscellaneous details Insert 'Solar tube collectors and photo voltaic panels;
- DV02A - Boundary fencing – development commencement
- DV11 - Use of roof restricted
- DV17A - Dustbin enclosure required
- DV21A - Parking – Commercial properties – Insert The three commercial car parking spaces shown on dwg.ref.no.06914/PL/03
- DV23 - Floodlighting
- DV27A - Recycling – Details required
- DV29C - Potentially Contaminated Site
- DV30 - Refuse storage
- DV33A - No reduction in dwelling units
- DV42 - Details of foundations – piling
- GD07A - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no walls, fences or other means of enclosure shall be erected on any part of the site other than in accordance with details to be submitted to and approved in writing with the Local Planning Authority. Reason: In order to safeguard the visual amenities of the development and to safeguard pedestrian and highway safety.
- LA11A - Landscaping required hard and soft
- LA16 - Written notification start work
- LA30 - Landscape works implementation
- LA32 - Replacement tree planting
- NS01 - Sample panels of the render and cladding panels shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced.
- NS02 - No works or development shall take place until full details of all proposed tree planting, to include size, species, and positions, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times. REASON: To ensure that the selected species are appropriate for the site in relation to visual and residential amenity.

- NS03 - No development approved by this permission shall be commenced until a landscaping scheme which incorporates a habitat/species enhancement scheme to maximise the ecological value of the site has been submitted to and approved by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. REASON: To protect and enhance habitat/species on the site and to comply with the terms upon which this application has been assessed.
- NS04 - All new hardsurfacing shall be constructed of a porous or permeable material in accordance with details to be submitted to and approved in writing by the Local Planning Authority. REASON: In the interest of sustainable construction and to avoid excessive surface water run off.
- NS05 - Prior to the commencement of work on site, a scheme providing for the insulation and associated ventilation of the proposed residential units against the transmission of externally generated road and aircraft noise shall be submitted to and approved in writing by the Council. The scheme shall demonstrate compliance with the "good to reasonable" criteria detailed in 7.6.1 of BS8233: 1999 Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied". REASON: To safeguard the future residents of the flats from unacceptable noise.
- NS03 - Staff/customers/residents/visitors travel surveys shall be undertaken in accordance with a survey methodology to be submitted to and approved by the Local Planning Authority prior to the development being carried out. Within 6 months of the use commencing, a new travel plan based on the results of the survey shall be submitted with clear objectives, targets, actions and timeframes to manage the transport needs of staff/customers /residents/ visitors to the development, to minimise car usage and to achieve a shift to alternative transport modes . Following approval by the Local Planning Authority, the applicant shall then implement these actions to secure the objectives and targets within the approved plan. The travel plan (including surveys) shall be annually revised and a written review of the travel plan submitted and approved by 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 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 approval. REASON: In order to comply with the objectives of national and local Planning Policies (within the Council's Unitary Development Plan) which promote sustainable development with particular regard to transport.
- NS04 - The premises be used only for purposes falling within class B1 of the Town and Country Planning (Use Classes Order) 1987 and for no other purpose. REASON: In the interests of highway and pedestrian safety and to safeguard the amenities of occupiers of the residential units.
- NS05 - The development hereby permitted shall not be commenced 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 as approved. REASON: The post remediation monitoring programme identified some hot spots within the soils and soakaways should not be constructed through contaminated material. The superficial river terrace deposit layer has little capacity to attenuate pollution, thus groundwater quality could be readily affected in case of discharge of contaminated water into the ground. The proposed

development should incorporate measures to prevent impact on the groundwater quality.

- NS06 - No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 1. size and routing of construction vehicles and holding areas for these on and/or off site;
 2. the parking of vehicles of site operatives and visitors;
 3. the loading and unloading of plant and materials;
 4. the storage of plant and materials used in constructing the development;
 5. the erection and maintenance of security hoarding;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling and disposing of waste resulting from demolition and construction work

REASON: In the interests of highway and pedestrian safety and to safeguard neighbouring residential and commercial amenity.

- NS07 - No commercial B1 unit or residential unit 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.

- NS08 - No development shall take place on site until suitable arrangements have been agreed to secure alterations to the highway adjacent to the site, and street trees, necessitated by the development, in accordance with details to be submitted to and approved in writing by Transport for London. Such arrangements may take the form of an agreement under S.278 of the Highways Act 1980. REASON: In the interests of highway safety, sustainable transport and the visual amenities of the street scene.

- DV44 - Code for Sustainable Homes - New Build~ Insert 'level 3'
- DV46 - BREEAM Ratings for Non-Housing Devt~ Insert 'commercial'
- RD04A - Details required access road

← commercial

Standard Informatives

- IH06B - Damage to Public Highway
- IE05A - Noise control - building sites
- IL10A - Building regulations required.
- IL12A - Drawing numbers 06914/PL/00, 01, 02, 03, 04, 05, 06, 07, 09, 10,11, 12, WT164L01E received 7th August 2009.
- IL16 - Relevant policies: The following have been taken into account in the consideration of this proposal:- Unitary Development Plan - First Review 2005 policies UDP – First Review: STG5; IMP2; ENV18, 19, 24; BLT 11, 13, 15, 16; EMP4,7; HSG4, 5, 11, 12, 18, 19; TRN2, 4,11, 12 and 21.
The Local Development Framework: Core Strategy CP1; CP2; CP3; CP4; CP5A, C, F, G; CP6; CP7; CP10.D; CP17B; CP14D, E; CP15; CP16; CP17.C; CP18; CP19

London Plan policies 2A.1, 9;3A.1,2, 3, 5, 6, 8, 9, 10,11, 17, 18, 23, 24, 26, 27;3B.1, 2, 3, 4; 3C.1, 2, 3, 17, 20, 21, 22, 23; 3D.13, 14, 15; 4A.1, 3, 4, 6, 7, 9, 11, 12, 14, 16, 17, 19,20, 21, 33; 4B.1, 5, 10, 15; 6A.4, 5

- IL19 - Summary of reasons for planning permission. See conclusion above.
- NI01 - The applicant is advised that in relation to the sound insulation and associated ventilation condition above BS8233:1999Guidance on suitable internal noise levels can be found in BS8233:1999: Sound insulation and noise reduction for buildings. Section 7.6.1 of BS8233: 1999 suggest indoor ambient noise criterion for reasonable resting and sleeping conditions in bedrooms and living rooms. In respect of residential dwellings the following criterion is presented:

Table 1 – Internal Target Noise Criteria

Location	Average $L_{Aeq,T}$ dB	
	Day	Night
Bedroom		

BS8233 also recommends that *“for a reasonable standard in bedrooms at night, individual noise events (measured with F time-weighting should not normally exceed 45dB L_{Amax} ”*

For the rooms facing onto the Lower Richmond Rd and any other facades which may be exposed to levels at the higher end of NEC C, an additional means of providing rapid ventilation, such as mechanical ventilators, should be considered for rapid ventilation and summer cooling (see General Guidance of Approved Document F, and paragraph 6.7.1 of BS8233:1999). It is noted that this has not been considered by the applicant at this stage and the Council would wish to discuss further with the applicant’s acoustic consultant.

Acoustic ventilators, which can be passive ventilators, should meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F “Ventilation”. Standard trickle ventilators are not adequate since they allow noise intrusion and reduce sound insulation.

- NI02 - The applicant is advised that waste soils removed from the site need to be tested according to Waste Acceptance Criteria (WAC) before disposal.
- NI03 - The applicant is advised that where soakaways are proposed, their use will only be acceptable to the Environment Agency subject to the following:
 1. The depth of any soakaway should normally not exceed 2.0 metres and under no circumstances shall be permitted to intersect the water table.
 2. A minimum of a 1.0 metre unsaturated zone shall be maintained between the base of any soakaway and the maximum seasonal water table for that site.
 3. Soakaways intended to drain roads or parking areas will usually require additional safeguards such as seal-trapped gullies or a suitably sized oil/grit separator.
 4. Soakaways designed to receive clean roof water should be kept separate from those receiving surface water runoff from roads or parking areas.

- NI04 - The applicant is advised to gain approval from the Council's Contamination team regarding details of the suggested works (mentioned above). (It is noted that the applicant has provided Site Investigation Reports and it is important that a detailed remedial proposal are submitted to them and subsequently approved in writing by them prior to any works.
- NI05 - The applicant is advised that in relation to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. If it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Prior approval is required for to discharge to a public sewer. The applicant should have regard to minimum flow rates from Thames Waters pipes.

Background Papers

Application form and drawings

Letters of representation English Heritage dated 28th September 2009, TFL dated 21st October and 20th November 2009, Thames Water dated 8th September 2009.

Application form, drawings, officer report and decision notice for (05/1050/OUT 07/0300/FUL, 07/3787/FUL, ,96/0879/S191, 91/0633/FUL , 87/196 86/1779 80/934, 78/675, 75/1231, 75/87, 70/2466,)

Reason: To comply with the terms upon which this application and the original outline application have been assessed, to mitigate impact on and enhance biodiversity on the site, and to soften and screen the buildings from neighbouring residential properties, the adjacent metropolitan open land and public viewpoints.

NS07 – Site supervision

No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- a, induction and personnel awareness of arboricultural matters.
- b, identification of individual responsibilities and key personnel.
- c, statement of delegated powers.
- d, timing and methods of site visiting and record keeping, including updates.
- e, procedures for dealing with variations and incidents.

The LPA may require the scheme of supervision to be administered by a qualified arboriculturist approved by the LPA but instructed by the applicant.

Reason: Same as for NS05

NS06 – Notwithstanding para 7.3 of the Landscape and Bio-diversity Strategy dated December 2009, Goat Willow shall be replaced with a more appropriate species in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the structural integrity of the flood bund.

NS07 – The 2 Acer Campestre (Field Maple) 3 Populus nigra (Black Poplar) and 3 Faxonus Excelsior (Ash) situated to the north of the overflow car parking shown on dwg.ref.no.SPS248-AL-RM-SW-0-006 04 shall be planted in containment boxes in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason – Same as for NS06 above.

Page 26 Drawing ref.no.564-PL-002 01 shall be replaced with 564-PL-002 02 received 10 December 2009.

Representations were made for item 3a and item 3b jointly. Councillor Palmer was not present for this item.]

C. 09/0663/FUL - 32 CLARE LAWN AVENUE, EAST SHEEN

The application be **APPROVED** subject to the conditions and informatives set out in the officer's report.

[The Committee heard a representation from Ms Prodromou.]

D. 09/0098/FUL - 8-12 BARDOLPH ROAD, RICHMOND

The application be **DEFERRED** prior to the meeting.

E. 09/2104/FUL - 293 LOWER RICHMOND ROAD, RICHMOND

The application be **APPROVED** subject to the conditions and informatives set out in the officer's report, subject to the completion of a section 106 agreement and subject to the following additional condition:

- Details of the children's play equipment to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units

[The Development Control Officer made the following additions to the report:

Page 45 – Add policy BLT29 and BLT30

Pages 46, 63 and 66 – Grampian condition NS08 in relation to TfL arrangements replaced and requirements in the condition included in the heads of terms of S.106

Page 47 para.1 line 6 replace 60m with 33m

Page 53 – Air Pollution Officer – As identified in the 2003 Weather Data modelled for the year 2010 the frontage of the site is shown yellow which equals the objective limit of 40 microgrammes per cubic metre of NO₂, and part of the rear part green with an objective limit of 38 or 39. This is a borderline value and it would be unreasonable to sterilise the site for residential development for this reason and to sustain an objection on the grounds of air pollution.

Page 59 At end of para.74 Insert: 'In relation to unit 5 situated in the south west corner of block C, it would now only be the kitchen which would fail the average daylight factor test under the BRE Daylight and Sunlight standards. There would also continue to be an issue about the poor quality of the amenity of the garden area. However, in the context of the benefits of the overall scheme in providing 100% affordable housing, the physical constraints of surrounding development at this point of the development and the access the household will have to a central community space, it is considered that a refusal would not be sustainable on this ground alone.'

The Development Control Officer reported the receipt of the following correspondence:

In relation to Page 54 of the report– The Manor Grove Residents Association re-iterate earlier points raised and raise the following new points:-

- Out of character with small terraced and semi-detached Victorian and Edwardian houses
- Inadequate green space and play area
- Play area accessed across a car park
- A316 unsuitable for 52 family units due to air pollution from heavy traffic including HGVs
- Removal of two London Plane trees which are the best tree to soak up atmospheric pollutants
- Loss of trees
- Area deficient in open space
- Tenure mix should be 40% housing for social rent and 10% intermediate housing

One resident has re-iterated earlier objections in the report and raises the following new points:

- Disagrees that design has been agreed in principle, given that the Planning Committee has not considered the proposal. Scheme is out of character. Disagree with para.64 of the report that large areas of glazing break up the mass of the building

One further letter from a resident re-iterating objections in the report and raising the following new points:

- Affordable housing should be spread throughout the Borough; noise and disturbance; noise effect on the current residents of Manor Grove and future residents of the development has not been established and could be an issue.

The Development Control Officer made the following additions and amendments to the report:

Page 64 Add additional planning condition NS09 – No development shall take place on site prior to a reptile survey which shall be carried out in Spring 2010, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the survey. In the event that there are protected reptiles present on the site, no development shall take place until suitable mitigation arrangements have been agreed in writing with the Local Planning Authority and implemented in accordance with the mitigation arrangements.

Reason: In order to safeguard potential protected reptiles on the site and to comply with the terms upon which this application has been assessed.

Add additional condition:

Two air source heat pumps for the commercial floorspace in blocks A and D, and solar thermal and solar photovoltaic technologies for the residential units, shall be provided prior to the occupation of the development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to result in the achievement of a total reduction on site of CO₂ of at least 20% through renewable energy.

Reason: To comply with the terms upon which this application has been assessed and with the Council's sustainable development policies.

Page 65 Condition NS03 – add 'in writing' before 'by the Local Planning Authority'.

Page 66 – Revised drawing nos. Replace 06914/PL/03 with 03A received 7th December 2009.; Replace 06914/PL/09 with 09A received 10 December 2009.

Page 67 – Table 1 should read as follows:

Table1 – Internal Target Noise Criteria

Typical Situation	Design Range L _{Aeq,T} dB	
	Good	Reasonable
Living Room	30	40
Bedroom	30	35

Page 68 Add additional informative:

- The landscaping scheme submitted under planning condition NS03 shall include details of the green roofs.

The Committee heard representations from Mr Badke, Mr Beale, Mr Collis, Ms Gilley, Mr Hill and Mr Robinson.]