

Application reference: 11/1596/FUL
HAMPTON WICK WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 18.05.2011 | 25.05.2011 | 20.07.2011 | 20.07.2011 |

Site:

91 High Street, Hampton Wick, Kingston Upon Thames, KT1 4DG

Proposal:

Convert the vacant commercial 'Public House' premises (Use Class A4: Drinking Establishments) to two self-contained flats (Use Class C3: Dwelling Houses), including minor alterations to the rear elevation. Change existing toilet block to rear to green house, additional of glazed roof.

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

APPLICANT NAME

Mr & Mrs Robert & Hannah Waller
C/O Agent

AGENT NAME

Mr James Lloyd
15 Teddington Business Park
Station Road
Teddington
Middlesex
TW11 9BQ
United Kingdom

DC Site Notice: printed on 01.06.2011 and posted on 10.06.2011 and due to expire on 01.07.2011

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

Garden Flat, 93 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
Flat 1, 2 Church Grove, Kingston Upon Thames, KT1 4AL - 01.06.2011
Flat 3, 2 Church Grove, Kingston Upon Thames, KT1 4AL - 01.06.2011
Flat 2, 2 Church Grove, Kingston Upon Thames, KT1 4AL, - 01.06.2011
2 Church Grove, Kingston Upon Thames, KT1 4AL, - 01.06.2011
30 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
16 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
22 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
29 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
17 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
27 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
26 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
25 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
19 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
24 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
20 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
23 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
21 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
28 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
7 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
15 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
4 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
6 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
12 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
11 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011

14 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
5 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
8 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
10 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
9 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
13 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
1 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
3 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
2 Bennett Close, Hampton Wick, KT1 4AT, - 01.06.2011
93 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
3 Hesley Cottages, High Street, Hampton Wick, KT1 4DJ, - 01.06.2011
2 Hesley Cottages, High Street, Hampton Wick, KT1 4DJ, - 01.06.2011
1 Hesley Cottages, High Street, Hampton Wick, KT1 4DJ, - 01.06.2011
Parkview Studios, Church Grove, Kingston Upon Thames, KT1 4AL, - 01.06.2011
93A High Street, Hampton Wick, KT1 4DG, - 01.06.2011
89 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
6 Jubilee Close, Hampton Wick, KT1 4DH, - 01.06.2011
The Hampton Wick Association, 50 High Street, Hampton Wick, KT1 4DB, - 01.06.2011
Foresters, 45 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
22 High Street, Hampton Wick, KT1 4DB - 01.06.2011
53 Broom Park, Teddington, TW11 9RS, - 01.06.2011
20 Victoria Road, Teddington, TW11 0BG, - 01.06.2011
23 Wolsey Road, East Molesey, KT8 9EL - 01.06.2011
9B Atherton Street, Battersea, SW11 2JE - 01.06.2011
Matt Burt, Haymarket Publishing, Teddington Studios, Broom Road, Teddington TW11 9BE - 01.06.2011
24 Middle Lane, Teddington, TW11 0HQ, - 01.06.2011
32 Church Grove, Kingston Upon Thames, KT1 4AL, - 01.06.2011
Heidi Johnson Paul, Headteacher, Hampton Wick Infant And Nursery School, Normansfield Avenue, Teddington TW11 9RP - 01.06.2011
Flat 1, 49 Sancroft Street, Kennington, SE11 5UG - 01.06.2011
25 Campbell Road, Twickenham, TW2 5BY, - 01.06.2011
3 Baygrove Mews, Hampton Wick, KT1 4HD - 01.06.2011
41 School House Lane, Teddington, TW11 9DP, - 01.06.2011
12 Seymour Road, Hampton Wick, KT1 4HW, - 01.06.2011
34 Church Grove, Kingston Upon Thames, KT1 4AL, - 01.06.2011
Flat 1, 116 Stanley Road, Teddington, TW11 8TX - 01.06.2011
35 Park Court, Hampton Wick, KT1 4AX - 01.06.2011
40 Molesey Park Road, KT8 2LE - 01.06.2011
46 Broom Park, Teddington, TW11 9RS, - 01.06.2011
59 Trematon Place, Teddington, TW11 9RH, - 01.06.2011
94 Bucklands Road, Teddington, TW11 9QS, - 01.06.2011
2 Grange Mansions, Kingston Road, Ewell Village, KT17 2AD - 01.06.2011
11 Lexington Place, Hampton Wick, KT1 4JF, - 01.06.2011
2 Seymour Court, 18 Church Street, Twickenham, TW1 3NN, - 01.06.2011
49 Onslow Road, Richmond, TW10 6QH, - 01.06.2011
78 Holmesdale Road, Teddington, TW11 9LG, - 01.06.2011
177A Burtons Road, Hampton Hill, TW23 1DX - 01.06.2011
38 Park Road, Hampton Wick, KT1 4AS, - 01.06.2011
12A Surbiton Road, Kingston - 01.06.2011
45 Estella Avenue, New Malden, KT3 6HX - 01.06.2011
2 Elton Close, Kingston Upon Thames, KT1 4EE, - 01.06.2011
Flat 4, 15 Seymour Road, Hampton Wick, KT1 4HN - 01.06.2011
10 Harrowdene Gardens, Teddington, TW11 0DH, - 01.06.2011
13 Heron House, Church Grove, Hampton Wick, KT1 4AR - 01.06.2011
16 Cedars Road, Hampton Wick, KT1 4BE, - 01.06.2011
Flat 2, 4 Waldegrave Park, Twickenham - 01.06.2011
64E Richmond Road, Twickenham, TW1 3BE - 01.06.2011
59 Holmesdale Road, Teddington, TW11 9LJ, - 01.06.2011
6 Vicarage Road, Hampton Wick, KT1 4ED, - 01.06.2011
87 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
32A High Street, Hampton Wick, KT1 4DB, - 01.06.2011
45 Park Road, Hampton Wick, KT1 4AS, - 01.06.2011
44 Cedars Road, Hampton Wick, KT1 4BE, - 01.06.2011
77 High Street, Hampton Wick, KT1 4DG, - 01.06.2011
8 Cedars Road, Hampton Wick, KT1 4BE, - 01.06.2011
35 High Street, Hampton Wick, KT1 4DA, - 01.06.2011
32 High Street, Hampton Wick, KT1 4DB, - 01.06.2011

Mrs H Dutton Waller, 33 Park Court, Park Road, Hampton Wick, KT1 4AX - 01.06.2011

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

Development Management Application: 00/0726
Status: GTD
Date: 27/11/2000 Erection Of Rear Extension With Conservatory, Use Of Basement As A Kitchen And Part Of First Floor As A Function Room. Provision Of Wheelchair Access And Wc. Positioning Of Planters On Forecourt.

Development Management Application: 88/2836/ADV
Status: REF
Date: 15/02/1989 Externally Illuminated Bus Shelter Advertising Panels.

Development Management Application: 10/0593/COU
Status: REF
Date: 03/08/2010 Conversion from commercial premises (public house) to a single family dwelling.

Development Management Application: 10/T0660/TCA
Status: GTD
Date: 20/10/2010 T1 - T2 - Pear - Reduce to 3.5m

Development Management Application: 11/1596/FUL
Status: PCO
Date: Convert the vacant commercial 'Public House' premises (Use Class A4: Drinking Establishments) to two self-contained flats (Use Class C3: Dwelling Houses), including minor alterations to the rear elevation. Change existing toilet block to rear to green house, additional of glazed roof.

Appeal Conversion from commercial premises (public house) to a single family dwelling.
Validation Date: **Appeal In Progress**
03.02.2011
Reference:
11/0023/AP/REF

Building Control Remove chimney breast. Widen existing opening.
Deposit Date:
18.09.2002
Reference:
02/1777/FP

Building Control Internal changes to convert public house to single residential dwelling
Deposit Date:
24.03.2010
Reference:
10/0515/BN

Building Control Installed an Unvented Hot Water Storage Vessel
Deposit Date:
18.05.2010
Reference:
10/FEN01545/GASAFE

Building Control

Installed a Gas Boiler

Deposit Date:

26.02.2011

Reference:

11/FEN01553/GASAFE

Enforcement

Enforcement Enquiry

Opened Date:

10.08.2010

Reference:

10/0417/EN/UCU

Constraints:

Site, History and Proposal:

The Railway Tavern is a detached two storey building (with a basement) located opposite Hampton Wick Station. There are residential properties either side and to the rear. It is a Building of Townscape Merit located in a Conservation Area and Mixed Use Area. The building dates from the 1800s. Despite minor extensions and outbuildings the building has changed little in recent years.

In 2010 an application was made seeking permission to convert the building to a single dwelling (10/0593/COU). The application was refused on the following grounds:

The applicants have failed to provide sufficient marketing evidence that all reasonable efforts to market the property at a reasonable open market price for a sufficient period of time have been undertaken, thereby failing to demonstrate that the site is no longer suitable for a public house or an alternative cultural or entertainment use, and so the proposal would be contrary to Policy CCE15 of the Adopted London Borough of Richmond-upon-Thames Unitary Development Plan 2005.

No small units of accommodation would be provided by the proposed development and consequently the proposal would be contrary to policy HSG 11 of the Richmond upon Thames Unitary Development Plan First Review.

The decision was appealed against and dismissed with the Inspector agreeing with both grounds for refusal.

This new application is for residential use proposing a basement flat with a two storey dwelling above.

Public and Other Representations:

Despite a number of representations both for and against the previous application, none have been received in relation to this new application.

Professional Comments:

As well as changes to the proposal, it is also necessary to take into account changes to policy as the DMDPD policies have now been adopted.

Loss of the existing facility

Refusal on the grounds of policy CCE15 of the UDP was not recommended by officers, but was added by the Planning Committee. It was considered in the report, but it was pointed out that other similar facilities existed within reasonable distance and that the use classes order would allow a number of alternative uses to public house without permission being required. However it was also pointed out that the marketing report was not particularly comprehensive. On the basis of this members chose to refuse as being contrary to this policy.

The appeal was considered in June 2011 and also took into account policy DM TC 4 of the draft DM DPD. The appeal decision states that the policy includes a provision that an alternative use should provide a community service or function. The Inspector concluded that the marketing period of only 9 months was particularly short, the policy quotes at least two years, and the marketing information was sparse. In addition no viability work on providing an alternative community service had been undertaken.

Since that time the DMDPD has been adopted. Bearing in mind that UDP policy CCE15 has

ceased to exist it is appropriate to consider it in the light of DM TC 4. The Inspector found the application to be contrary to the objectives of that policy. However the policy states quite specifically that it relates to local shops, services and public houses which serve local needs. This is not seen as an isolated use or commercial area, but as part of a High Street. As other public houses exist within a short walking distance, namely the Swan and the Forester Arms which are less than 200m away, the proposal will not result in the loss of a public house which is the only one serving a local area. Even if the site is considered to fall within the category of 'local' the policy goes on to state:

Changes of use from public houses will not be permitted unless

- (a) there is another public house within convenient walking distance or
- (b) The public house use is inappropriate in terms of access or neighbourliness or
- (c) The proposed new use would provide a community service or function.

(Note that the second 'or' was omitted from the initial draft but has since been added).

The targets and monitoring section at the end of the policy makes it quite clear that the policy refers to isolated instances of A1, A2, A3, A4 and A5 uses. This is not such a case and refusal on the basis of this policy would not be appropriate.

Housing policy

The Inspector considered policy HSG 11 of the UDP which seeks small units of accommodation and also DMDPD policy DM HO 4 which places an emphasis on family housing apart from in town centres where smaller units would be appropriate. It was felt that this was an appropriate site for such units. As a single dwelling, housing needs were not met and this was not an efficient use for the land.

UDP Policy HSG 11 is no longer relevant. It is therefore appropriate to concentrate on DMDPD policy DM HO 4. This application includes a one-bed flat in the basement. Such arrangements can lead to a low standard of accommodation, but this has been well designed with windows and lightwells serving the main rooms, namely the living room and bedroom. The baseline standard floorspace for a one-bed flat is satisfied by some distance and there is a small area of amenity space. The four bedroom dwelling above also satisfies the residential design standards. Arguably this solution is ideal as it provides the family housing which the policy emphasizes the need for, but also provides a small unit in a town centre location. This is considered to overcome the reason for refusal.

Other matters

The Inspector considered that withholding parking permits was reasonable as the CPZ is over subscribed. This would need to be conditioned.

Flooding

Since the previous application the site has become part of flood zone 2 (medium probability of flooding). In response the applicant has submitted a professionally prepared flood risk assessment. The Richmond Strategic Flood Risk Assessment states that in Zone 2 highly vulnerable development (including basement flats) should be avoided. Policy DM SD 6 of the DMDPD states that residential basements will not be permitted, but then goes on to state that basement conversions must have internal access to a higher floor and flood resistant and resilient design techniques. The FRA submitted by the applicant acknowledges the location in flood zone 2 but points out several aspects in mitigation whereby it is considered that an exception can be made in this case.

The Environment Agency has now considered the FRA and confirmed that subject to conditions relating to flood mitigation measures the proposal is acceptable. It is noted that the property is set well back from the river. In addition there will be a retaining wall to the rear

of the property which should act as a secondary defence, along with some other mitigation proposed in the FRA. In terms of policy, the Environment Agency is aware of other instances in Richmond where basement dwellings have been permitted on a case by case basis, carefully considering the site specific risks. Generally speaking, the Environment Agency is not supportive of basement dwellings in flood risk areas, however in this instance it is felt that the risks can be satisfactorily mitigated by the conditions requested.

Sustainability

Although not fully compliant with the sustainability checklist, achieving only a 'C' rating, a number of measures to improve the sustainability of the building are proposed and welcomed. Air source heat pumps will provide some carbon offset, although not necessarily as much as is claimed. Code Level 3 of the Code for Sustainable Homes will be met. It is recognised that the full checklist cannot be satisfied without substantial alteration to the Building of Townscape Merit which would not be appropriate.

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


Case Officer (Initials): SSS

Dated: 29/11/11

I agree the recommendation:

Team Leader/Development Control Manager

Dated:


30.11.11

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

Development Control Manager: Ray Summers

Dated: 5/12/12

| |
|------------------------|
| 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: | |

ADDITIONAL NOTES CONTINUED FROM ABOVE:

Professional Comments: