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**TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE**

Mr Jonathan Dixon  
JB Planning Associates Limited  
Chells Manor  
Chells Lane  
Stevenage  
Hertfordshire  
SG2 7AA

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref: 210 Kingston Road

Our ref:  
DC/SGS/13/0906/FUL/FUL

Letter Printed: 7 November 2013

**FOR DECISION DATED**  
07.11.2013

Dear Sir/Madam

**Applicant:** Mr Tom Galvin

**Agent:** Mr Jonathan Dixon

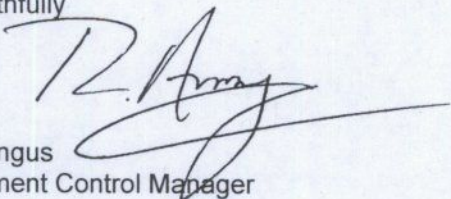
**WHEREAS** in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **18 March 2013** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**210 Kingston Road, Teddington, TW11 9JF, .**  
for

**Demolition of existing property and construction of new 3 storey building comprising retail unit at ground floor and 7no flats above.**

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule:-

Yours faithfully



Robert Angus  
Development Control Manager

<b>APPLICANT NAME</b> Mr Tom Galvin 282 King Street London W6 0SJ	<b>AGENT NAME</b> Mr Jonathan Dixon Chells Manor Chells Lane Stevenage Hertfordshire SG2 7AA
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**SITE:**

210 Kingston Road, Teddington, TW11 9JF, .

**PROPOSAL:**

Demolition of existing property and construction of new 3 storey building comprising retail unit at ground floor and 7no flats above.

**SUMMARY OF CONDITIONS AND INFORMATIVES**

**CONDITIONS:**

U64283 Retail Shop Hours BD12 Details - Materials to be approved DV02A Boundary fencing - Dev't commence U64276 Refuse Arrangements DV30 Refuse storage U64277 Code for Sustainable Homes U64278 BREEAM Non Housing DV47 Lifetimes Homes U64279 Approved Drawings	DV49 Construction Method Statement LT09 Hard and Soft Landscaping Required NO12 Noise and vibration of plant U64280 Balcony Screening U64281 Plant Room Access U64282 Service Management Plan AT01 Development begun within 3 years
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**INFORMATIVES:**

IL13 Section 106 agreement U72338 NPPF Approval	IL24 CIL liable U72337 Informatives
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## DETAILED CONDITIONS

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### **U64283 Retail Shop Hours**

Customers shall not be present on the retail premises, nor shall sales take place during the following times: Before 0700 and after 2300. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside. REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers, or the area generally.

### **BD12 Details - Materials to be approved**

The external surfaces of the building(s) (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.

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

### **DV02A Boundary fencing - Dev't commence**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted] is commenced or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the Local Planning Authority]. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties.

### **U64276 Refuse Arrangements**

None of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/waste for both residential and retail uses have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

### **DV30 Refuse storage**

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

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

### **U64277 Code for Sustainable Homes**

The dwelling(s) hereby approved shall achieve a Code Level 3 in accordance with the terms of the application & requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme).

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

### **U64278 BREEAM Non Housing**

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

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

### **DV47 Lifetimes Homes**

The dwellings hereby approved shall not be constructed/adapted other than to Lifetime Homes standards as shown on the approved plans and/or as described in the Design & Access Statement & shall thereafter be maintained to those standards.

Reason: To ensure adaptable homes to meet diverse and changing needs.

### **U64279 Approved Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable. P13-744-10D, 11H, 20D, 21D and 22 received on 18th March 2013 and 01A received on 5th June 2013

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

#### **DV49 Construction Method Statement**

No development shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. the parking of vehicles of site operatives & visitors
2. loading/unloading of plant & materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate.
5. wheel washing facilities
6. measures to control the emission of dust and dirt during construction
7. a scheme for recycling/disposing of waste resulting from demolition & construction works.
8. routing of delivery vehicles to and from the site

Reason: in the interests of highway and pedestrian safety together with the amenity of the area

#### **LT09 Hard and Soft Landscaping Required**

(A) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works

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

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

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

#### **NO12 Noise and vibration of plant**

The use of the premises shall not commence until a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission has been submitted to and approved in writing by the local planning authority. This shall then be so installed prior to first occupation of the premises and this shall be so retained and operated in compliance with the approved scheme.

REASON: To protect the amenity of occupiers of residents of nearby properties

#### **U64280 Balcony Screening**

The dwellings hereby approved shall not be occupied until details of a balcony privacy screen required to protect the privacy of the occupants of 212 Kingston Road have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved

details. REASON: To protect the privacy of the adjoining occupants.

#### **U64281 Plant Room Access**

Details of the access to the plant room which do not require passing through the residential bicycle store shall be submitted and approved in writing by the local planning authority prior to occupation. REASON: To ensure that the proposed development does not compromise the security of prospective residents.

#### **U64282 Service Management Plan**

Prior to occupation of the development hereby approved a service management plan relating to the servicing of the shop unit shall be submitted to and approved in writing by the local planning authority. The management plan shall be implemented as approved from the date of the commencement of the use. REASON: To ensure that the proposed development would not prejudice highway and pedestrian safety.

#### **AT01 Development begun within 3 years**

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

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

### **DETAILED INFORMATIVES**

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#### **IL13 Section 106 agreement**

This planning permission has a Section 106 Agreement which must be read in conjunction with it.

#### **U72338NPPF Approval**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a pre-application and duty officer service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner

In this instance:

- o The application was amended following negotiations with the Council to ensure the scheme complied with adopted policy and guidance, and was recommended for approval and referred to the first available Planning Committee, where the agents / applicants had an opportunity to present the case

#### **IL24 CIL liable**

The applicant is advised that this permission results in a chargeable scheme under the Mayor of London's Community Infrastructure Liability.

#### **U72337 Informatives**

g planning permission.

#### **Principal Policies:**

Where relevant, the following have been taken into account in the consideration of this proposal:-

Local Development Framework

Core Strategy Policies: CP 1, 2, 7, 8, 14, 15, 16

Development Management Plan Policies: DM SD 1, 2, 6; TC 2, 3; HO 2, 3; 4, 6; TP 2, 8; DC 1, 4, 5, 7

Sustainable Construction Checklist SPD

Affordable Housing SPD

Planning Obligations Strategy SPD

## SCHEDULE OF REASONS FOR APPLICATION 13/0906/FUL

### **Building Regulations:**

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control Section of the Street Scene department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 0845 612 2660).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Control Department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 0845 612 2660).

### **Damage to the public highway:**

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact Highways and Transport, London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ (Telephone 0845 612 2660 ask for the Streetscene inspector for your area or email [highwaysandtransport@richmond.gov.uk](mailto:highwaysandtransport@richmond.gov.uk)) to arrange a pre commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

### **Noise control - Building sites:**

The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm  
Saturdays 8am to 1pm  
Sundays and Public Holidays- No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard 5228:2009- Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Commercial Environmental Health Team, 2nd Floor Civic Centre, 44 York Street, Twickenham TW1 3AB.

**END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 13/0906/FUL**

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**Helen Donnelly**

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**From:** Bryan Staff  
**Sent:** 07 November 2013 15:42  
**To:** Simon Graham-Smith  
**Cc:** Helen Donnelly  
**Subject:** RE: Town Planning Agreement - 210 Kingston Road Planning Reference Number: 13/0906/FUL  
Carried this across in CAPS so happy for the decision to go out thanks.

Regards

Bryan Staff  
Team Leader (Development Management West Team)  
Street Scene & Development  
London Borough of Richmond upon Thames

(T) 0208 891 1411  
ext: 4585 (for internal use only)  
(E) [b.staff@richmond.gov.uk](mailto:b.staff@richmond.gov.uk)

*Please note that the opinions expressed in this e-mail are those of a planning officer and given without prejudice to any future decisions made by the local planning authority.*

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**From:** Simon Graham-Smith  
**Sent:** 07 November 2013 10:35  
**To:** Bryan Staff  
**Cc:** Helen Donnelly  
**Subject:** FW: Town Planning Agreement - 210 Kingston Road Planning Reference Number: 13/0906/FUL

Bryan

I have checked the minutes. The conditions and informatives on the recommendation screen are correct and can be pulled across to the decision screen. We can then issue the decision.

**Simon Graham-Smith**  
**Planning Officer**  
**Tel: 0208 891 7300**  
**Fax: 0208 891 7789**  
**E-Mail: [s.graham-smith@richmond.gov.uk](mailto:s.graham-smith@richmond.gov.uk)**

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**From:** Hassan Bokhari [<mailto:Hassan.Bokhari@merton.gov.uk>]  
**Sent:** 07 November 2013 09:24  
**To:** Simon Graham-Smith; Mary Toffi; Isabel Elder; RMC; Land Charges  
**Subject:** RE: Town Planning Agreement - 210 Kingston Road Planning Reference Number: 13/0906/FUL

Dear All,

Please find attached a copy of the completed Section 106 Agreement dated 6<sup>th</sup> November 2013 for this site and made by (1) Frontdoor Properties to (2) the Council

The agreement provides for:

07/11/2013

- An Affordable Housing Contribution of £79,302
- An Education Contribution of £3,195
- A Public Realm Contribution of £5,542
- Each residential unit has membership to a Car Club.

Land Charges, please take note

Many Thanks

Kind Regards

Hassan

**Hassan Bokhari**

Lawyer, Litigation & Planning Team  
South London Legal Partnership  
Gifford House, 67c St Helier Avenue, Morden, SM4 6HY  
DX 161030 Morden 3  
Tel: 020 8545 3341  
Fax: 020 8545 3244



**Best  
Achieving  
Council**

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[Postmaster@merton.gov.uk](mailto:Postmaster@merton.gov.uk)  
<http://www.merton.gov.uk>

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13/0906/FUL  
210 KINGSTON ROAD  
TEDDINGTON

HAMPTON WICK WARD  
Contact Officer:  
S Graham-Smith

<http://www2.richmond.gov.uk/PlanData2/ShowCaseFile.aspx?appNumber=13/0906/FUL>



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**Proposal:** Demolition of existing property and construction of a 3 storey building comprising a retail unit at ground floor and 7 flats above.

**Applicant:** JB Planning for Frontdoor Properties

**Application received:** 18<sup>th</sup> March 2013

**Main development plan policies:**

Local Development Framework

Core Strategy Policies: CP 1, 2, 7, 8, 14, 15, 16

Development Management Plan Policies: DM SD 1, 2, 6; TC 2, 3; HO 2, 3; 4, 6; TP 2, 8; DC 1, 4, 5, 7.

Sustainable Construction Checklist SPD

Affordable Housing SPD

Planning Obligations Strategy SPD

Design Quality SPD

**Present use:** Shop with flat above

#### **SUMMARY OF APPLICATION**

**This application follows a recent refusal and appeal dismissal. The main concerns expressed by the Planning Inspector in the appeal decision related to the design, appearance and overdevelopment. The scheme has been redesigned and considered to address the specific criticisms of the Inspector. Following concerns related to the servicing of the site by delivery vehicles, which requires such vehicles to use land owned by another party in order to exit the forecourt in forward gear has been resolved whereby permission would be subject to a legal agreement to secure rights of access over this land to enable the delivery of a workable service management plan and in this respect the proposal is considered acceptable.**

#### **RECOMMENDATION:**

**Approve subject to a S106 legal agreement confirming access rights over land on the forecourt of 212 – 216 Kingston Road, contributions towards affordable housing, education and public realm, securing car club membership for flat residents.**

#### **Site, proposal and history:**

- 1 The property is located on the corner of Kinston Road and Bushy Park Road and is a ground floor shop (a convenience store) with a flat above. The shopping area is a neighbourhood centre. It has the appearance of a two storey building from the front, but at the side and rear it is apparent that there is a second floor partly contained within the roofspace. There is a gap between this building and the next shop, No. 212. The site is partially within Flood Zone 2.
- 2 In 2011 an application (11/4169/FUL) was made to demolish the existing building and erect a three storey building (with the third storey within the roofspace). There was to be a far larger ground floor shop and seven flats on the upper floors. No parking was proposed. The application was refused permission (delegated decision) on the following grounds:
  - *The proposed building, by reason of its site coverage, mass, bulk, design and rearward projection, would constitute an overdevelopment of the site which would be out of character, lacking in amenity space and soft landscaping and would have an overbearing impact on the neighbouring property and the streetscene in general. The proposal would therefore be contrary to policies DM HO4, DC1 and DC 5 of the Richmond upon Thames Development Management Plan; Residential Design Standards.*
  - *The proposal would result in an intensification of the use of the site without the provision of sufficient off street parking to comply with the parking standards and in relation to the large retail unit it has not been demonstrated that there would be adequate servicing and no adverse impact on the area in terms of the impact on on-street parking. The proposal is therefore contrary to policy DM TP 8 of the Richmond upon Thames Development Management Plan.*
  - *The proposal fails to make any provision towards affordable housing in association with the development. It would therefore be contrary to policy CP15 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy and policy DM HO 6 of the Richmond upon Thames Development Management Plan.*
  - *The absence of a legal agreement in accordance with the Council's adopted Public Obligations Strategy Supplementary Planning Document in conjunction with the proposed development would place an increased burden on transport, health, public realm and education infrastructure and services in the locality. This would be contrary to Policies DM TP 2 of the Richmond upon Thames Development Management Plan and Policies CP16, CP 17 and CP 18 of the Local Development Framework Core Strategy.*

- *Part of the site is within Flood Zone 2. In the absence of a Flood Risk Assessment the proposal has not demonstrated that the development can be accommodated without increasing the risk of flooding. The proposal is therefore contrary to policy DM SD 6 of the Richmond upon Thames Development Management Plan.*

3 The refusal was appealed against and the appeal dismissed. However the main concerns of the Inspector related to the bulk and design.

4 This new application is similar to the first with alterations made with the intention of addressing the concerns raised by the Inspector

**Public and other representations:**

5 Thames Water have no objection.

6 The Environment Agency has advised of their advice on flood risk in these circumstances.

7 Dr Cable MP remains concerned at the size and scale of the proposed development.

8 The Teddington Society objects to the Bushy Park Road elevation and lack of parking.

9 The Hampton Wick Association object on the grounds of overdevelopment and lack of parking.

10 Teddington Business Community objects on the ground of overdevelopment, increase in traffic, lack of detail on servicing, lack of parking, impact on safety, pollution, refuse disposal, anti-social behaviour, detrimental impact on existing shops.

11 Letters have been received from 31 local properties. Reasons for objection are:

- Overlooking and loss of privacy
- Noise and disturbance
- Loss of existing building, trees and garden area
- Impact on infrastructure
- Overdevelopment
- Lack of parking provision
- Design out of character
- Impact on existing shops

**Amendment**

12 A revised site plan including the forecourt in front of 121 – 216 Kingston Road has been submitted and the application form adjusted accordingly.

**Professional comments:**

Appeal Decision

13 Where there has been a recent appeal dismissal it is necessary for the Council to consider whether the new application addresses the concerns raised as well as any subsequent change in circumstances or policy. There were five reasons for refusal.

Overdevelopment, overbearing, out of character

- The Inspector commented as follows: *The scale, design and detailing of the front elevation would positively complement neighbouring buildings to the south, bring more interest and activity to the Kingston Road frontage and accord with the aims of policy DC1.*
- *There is no reason in principle why the appeal site's frontage to Bushy Park Road should not generally reflect the general height, scale and positioning of the terrace of buildings on the opposite side, including the general extent of its separation from the nearest house in the road. However, while the existing buildings on the north side have a general unity and are set back*

behind a forecourt, the proposed side and rear elevations at the appeal site contain some jarring elements including a single-storey flat-roofed portion at the back edge of the footway and other flat-roofed sections at second-floor level which would be variously visible from points in Bushy Park Road. Within the context of the significantly increased presence of the proposed building as perceived from Bushy Park Road, these elements indicate a degree of over-development of the site out of keeping with the character and appearance of that road, thus failing to meet the requirements of policy DC1.

- 14 There is, unsurprisingly, no significant change to the proposed frontage. On the Bushy Park Road elevation, in the case of the first application a 12m long single storey part of the building would have directly abutted the pavement. All parts of the building will now be set back a minimum of 3m from the pavement with landscaping filling in the gap. This will enhance the appearance, particularly compared to the opposite side of Bushy Park Road where there are open forecourts between the shops and the pavement. The flat roofed elements mentioned by the Inspector as being visible from Bushy Park Road are completely removed and there will now be a side facing gable end, as is the case with the existing building. The proposal is now more similar to the development opposite, having two full storeys and accommodation in the roofspace. Bearing in mind that the specific elements criticised by the Inspector have been addressed it is not considered that this remains a reason for refusal.

Comparison of the refused and proposed Bushy Park Road elevations:

2011 application:



Current application:



#### Parking and servicing

- In the case of the appeal, the view of the Council, based on a submitted parking survey, was that as a result of the proposal the area would become 'heavily parked' (over 90% of available spaces within 200m taken up). The applicant disagreed. The Inspector commented as follows: *The appellant company (in its appeal statements) and the Council (from what it says in its committee report) are not in agreement about the survey's findings. However, in general terms it appears to me from the data that, as the appellant states, current on-street parking 'stress' varies between 78% and 85% according to the time of day/night. Adding in the total of 16 spaces referred to above (parking generated by the proposed development), stress levels would sometimes rise close to (but not exceed) the 90% measure adopted in the Council's supplementary planning document 'Front garden and other off-street parking standards' as indicative of critically 'heavy' on-street parking.*
- 15 This aspect was one of two which was raised by the applicant in an application for costs which were awarded against the Council by the Inspector. The applicant has agreed to secure car club membership for prospective residents. Taking into account the conclusion reached by the Inspector the new application is not opposed on parking grounds.
- 16 The reason for refusal also raised the matter of servicing. It is not believed that the Inspector fully understood the concerns raised. These are his comments: *"The reason for refusal also refers to concerns about adverse impacts on parking caused by the lack of servicing provision for the retail shop, the committee report suggesting (if somewhat obliquely) that this displacement factor is an additional element which should be added into the parking impact. However, the frequency and length of the servicing requirements for retail premises are unpredictable and are unlikely to monopolise street parking spaces for substantial parts of the day."*
- 17 A shop of this size may well become a convenience store, as has been suggested previously and with this new application by the applicant. The gross floor area would be 448 sq m (compared with 370 sq m proposed for a Sainsbury in Teddington High Street which was recently refused permission). Normally it is essential for servicing to be addressed as part of the application for such a large shop and where possible controlled on-street loading bays are necessary. In this case that is not possible as there is a pedestrian crossing in front of the shop and a loading bay in Bushy Park Road would be inappropriate as delivery traffic would use an otherwise quiet residential road. There is a forecourt which can be accessed via a dropped kerb in front of 212 – 216 (which had been installed to facilitate tankers using the former petrol filling station). It would be possible for a delivery vehicle to enter the forecourt in front of the shop via this crossover as long as the forecourt is not blocked by other vehicles. As the applicant controls the forecourt this is viable. However tracking drawings supplied by the applicant show that in order for a delivery vehicle to exit the forecourt without backing on to Kingston Road (which would be extremely dangerous) parts of the forecourt in front of 212-216 would be required to be clear to allow for turning space. This forecourt is owned by the developers of 218 – 220 Kingston Road (the former petrol station now being developed for residential purposes). Therefore, in order for servicing to work without causing unreasonable danger to pedestrians and traffic there will need to be an agreement between the owners of this site and those in control of the rest of the forecourt to ensure turning space is made available during deliveries. This needs to be the subject of an S106 planning agreement as the land in question, although part of the application site, is not controlled by the applicant.

#### Impact on neighbours

- 18 With the previous decision concern was raised by the Council at the possible impact of overlooking of the garden of 212 Kingston Road. The Inspector commented as follows: *The Council has also raised objection to the inclusion of a window to a small second bedroom on the southern elevation facing No 212. In view of the orientation of this window it is unlikely to result in direct overlooking of any windows at No 212 or result in any material further loss of privacy to those using the first floor deck and lower garden at No 212 than already arises from windows in*

existing neighbouring buildings. In my view harm would not occur to the aims of DMP policy DC5. Unlike the first application, amenity spaces are indicated on a flat roofed ground floor element at the side. These would need to be screened to avoid undue loss of privacy to No 212 and the method of screening can be conditioned. The screening would also prevent overlooking from side facing first floor windows.

- 19 It is acknowledged that the first and second floor elements will be closer to the side boundary with 212 Kingston Road than with the first application, however they will be separated from the garden of 212 by the 3m wide terraces and it is not considered that the overbearing impact will be greatly increased in comparison to the original scheme. The upper floors will only project 1m beyond the rear of the main building of 1 Bushy Park Road and, being separated by the footpath between them, will not have a significantly greater effect than the previous scheme.
- 20 No other aspect of the revised application would worsen the impact on neighbours. Opening hours should not exceed those allowed for the shop at the nearby former petrol station.

#### Larger shop

- 21 The principle of a larger shop was considered at the time of the previous application and was not objected to. The shop which was part of the nearby petrol filling station has now gone and this was approximately 170 sq m. Policy DM TC 2 refers to Neighbourhood Centres. This states the following:

*The Council will protect and improve the provision of day-to-day goods and services in the local and neighbourhood centres of the borough. These centres are often designated as Areas of Mixed Use and are thus seen as appropriate for a mix of uses that meet primarily local needs. Proposals for development will be acceptable in the smaller centres if they:*

- *Provide appropriate mixes of uses, or mixed-use schemes. Appropriate uses could be: new retail, business or employment developments, which should maintain suitable provision for small businesses and other uses which serve the community or attract visitors. Residential development could also be appropriate. See Core Policy 8 of the Core Strategy for appropriate levels of provision.*
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The view of the Inspector was: (I do not consider) *that the absence of on-site amenity space (except for two balconies) would significantly disadvantage residents of the flats in an area where major public open spaces and riverside walks are available not far away.*

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- Monitoring Fee (5%) - £436.85
- Total - £9,173.85

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- 27 The proposed development meets the relevant standards as outlined by Policy DM SD 1 of the Development Management Plan, Code Level 3 for the flats and BREEAM 'Excellent' for the shop. The proposal includes PV panels at the rear which will achieve more than the required 20% carbon offset by renewables and the 40% overall target is met.

#### **Conclusion:**

- 28 This application follows a recent refusal and appeal dismissal. The main concerns expressed by the Planning Inspector in the appeal decision related to the design, appearance and overdevelopment. The scheme has been redesigned and considered to address the specific criticisms of the Inspector. Following concerns related to the servicing of the site by delivery vehicles, which requires such vehicles to use land owned by another party in order to exit the forecourt in forward gear has been resolved whereby permission would be subject to a legal agreement to secure rights of access over this land to enable the delivery of a workable service management plan and in this respect the proposal is considered acceptable.

I therefore recommend PERMISSION subject to a S106 legal agreement confirming access rights over land on the forecourt of 212 – 216 Kingston Road, contributions towards affordable housing, education and public realm, securing car club membership for flat residents and the following conditions and informatives:

#### **Standard conditions:**

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- BD12 - Details - Materials to be approved
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- DV18A - Refuse Arrangements – both residential and retail
- DV30 - Refuse storage
- DV44A - Code for Sustainable Homes – Level 3
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- LT09 - Hard and soft landscaping required
- NO12 - Noise and vibration of plant

**Non-standard conditions:**

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- NS03 - Prior to occupation of the development hereby approved a service management plan relating to the servicing of the shop unit shall be submitted to and approved in writing by the local planning authority. The management plan shall be implemented as approved from the date of the commencement of the use. REASON: To ensure that the proposed development would not prejudice highway and pedestrian safety.
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**Standard informatives:**

- IE05A - Noise control
- IH06B - Damage to highway
- IL10A - Building Regulations
- IL16HA - Policies:
  - Local Development Framework
  - Core Strategy Policies: CP 1, 2, 7, 8, 14, 15, 16
  - Development Management Plan Policies: DM SD 1, 2, 6; TC 2, 3; HO 2, 3; 4, 6; TP 2, 8; DC 1, 4, 5, 7
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- IL13 - Section 106 agreement
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- NI01 - The permission hereby granted shall not be construed as authority to carry out works on the publicly maintained highway. The applicant is advised that any such works must be carried out by the Council's own appointed contractor following approval from Highways Management Group, London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ or [highwaysandtransport@richmond.gov.uk](mailto:highwaysandtransport@richmond.gov.uk). The applicant will be required to pay for the creation of the new crossover and the reinstatement of the existing.

**Background papers:**

- Application forms and drawings
- Previous application 11/4169/FUL and appeal decision: APP/L5810/A/12/2178552/NWF
- Letters of representation



13/0906/FUL  
210 KINGSTON ROAD  
TEDDINGTON

HAMPTON WICK WARD  
Contact Officer:  
S Graham-Smith

<http://www2.richmond.gov.uk/PlanData2/ShowCaseFile.aspx?appNumber=13/0906/FUL>



© Crown copyright. All rights reserved. London Borough of Richmond Upon Thames LA 100019441[2012].'- Do not scale '

**Proposal:** Demolition of existing property and construction of a 3 storey building comprising a retail unit at ground floor and 7 flats above.

**Applicant:** JB Planning for Frontdoor Properties

**Application received:** 18<sup>th</sup> March 2013

**Main development plan policies:**

Local Development Framework

Core Strategy Policies: CP 1, 2, 7, 8, 14, 15, 16

Development Management Plan Policies: DM SD 1, 2, 6; TC 2, 3; HO 2, 3; 4, 6; TP 2, 8; DC 1, 4, 5, 7.

Sustainable Construction Checklist SPD

Affordable Housing SPD

Planning Obligations Strategy SPD

Design Quality SPD

**Present use:** Shop with flat above

#### **SUMMARY OF APPLICATION**

**This application follows a recent refusal and appeal dismissal. The main concerns expressed by the Planning Inspector in the appeal decision related to the design, appearance and overdevelopment. The scheme has been redesigned and considered to address the specific criticisms of the Inspector. Following concerns related to the servicing of the site by delivery vehicles, which requires such vehicles to use land owned by another party in order to exit the forecourt in forward gear has been resolved whereby permission would be subject to a legal agreement to secure rights of access over this land to enable the delivery of a workable service management plan and in this respect the proposal is considered acceptable.**

#### **RECOMMENDATION:**

**Approve subject to a S106 legal agreement confirming access rights over land on the forecourt of 212 – 216 Kingston Road, contributions towards affordable housing, education and public realm, securing car club membership for flat residents.**

#### **Site, proposal and history:**

- 1 The property is located on the corner of Kinston Road and Bushy Park Road and is a ground floor shop (a convenience store) with a flat above. The shopping area is a neighbourhood centre. It has the appearance of a two storey building from the front, but at the side and rear it is apparent that there is a second floor partly contained within the roofspace. There is a gap between this building and the next shop, No. 212. The site is partially within Flood Zone 2.
- 2 In 2011 an application (11/4169/FUL) was made to demolish the existing building and erect a three storey building (with the third storey within the roofspace). There was to be a far larger ground floor shop and seven flats on the upper floors. No parking was proposed. The application was refused permission (delegated decision) on the following grounds:
  - *The proposed building, by reason of its site coverage, mass, bulk, design and rearward projection, would constitute an overdevelopment of the site which would be out of character, lacking in amenity space and soft landscaping and would have an overbearing impact on the neighbouring property and the streetscene in general. The proposal would therefore be contrary to policies DM HO4, DC1 and DC 5 of the Richmond upon Thames Development Management Plan; Residential Design Standards.*
  - *The proposal would result in an intensification of the use of the site without the provision of sufficient off street parking to comply with the parking standards and in relation to the large retail unit it has not been demonstrated that there would be adequate servicing and no adverse impact on the area in terms of the impact on on-street parking. The proposal is therefore contrary to policy DM TP 8 of the Richmond upon Thames Development Management Plan.*
  - *The proposal fails to make any provision towards affordable housing in association with the development. It would therefore be contrary to policy CP15 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy and policy DM HO 6 of the Richmond upon Thames Development Management Plan.*
  - *The absence of a legal agreement in accordance with the Council's adopted Public Obligations Strategy Supplementary Planning Document in conjunction with the proposed development would place an increased burden on transport, health, public realm and education infrastructure and services in the locality. This would be contrary to Policies DM TP 2 of the Richmond upon Thames Development Management Plan and Policies CP16, CP 17 and CP 18 of the Local Development Framework Core Strategy.*

- *Part of the site is within Flood Zone 2. In the absence of a Flood Risk Assessment the proposal has not demonstrated that the development can be accommodated without increasing the risk of flooding. The proposal is therefore contrary to policy DM SD 6 of the Richmond upon Thames Development Management Plan.*

3 The refusal was appealed against and the appeal dismissed. However the main concerns of the Inspector related to the bulk and design.

4 This new application is similar to the first with alterations made with the intention of addressing the concerns raised by the Inspector

**Public and other representations:**

5 Thames Water have no objection.

6 The Environment Agency has advised of their advice on flood risk in these circumstances.

7 Dr Cable MP remains concerned at the size and scale of the proposed development.

8 The Teddington Society objects to the Bushy Park Road elevation and lack of parking.

9 The Hampton Wick Association object on the grounds of overdevelopment and lack of parking.

10 Teddington Business Community objects on the ground of overdevelopment, increase in traffic, lack of detail on servicing, lack of parking, impact on safety, pollution, refuse disposal, anti-social behaviour, detrimental impact on existing shops.

11 Letters have been received from 31 local properties. Reasons for objection are:

- Overlooking and loss of privacy
- Noise and disturbance
- Loss of existing building, trees and garden area
- Impact on infrastructure
- Overdevelopment
- Lack of parking provision
- Design out of character
- Impact on existing shops

**Amendment**

12 A revised site plan including the forecourt in front of 121 – 216 Kingston Road has been submitted and the application form adjusted accordingly.

**Professional comments:**

Appeal Decision

13 Where there has been a recent appeal dismissal it is necessary for the Council to consider whether the new application addresses the concerns raised as well as any subsequent change in circumstances or policy. There were five reasons for refusal.

Overdevelopment, overbearing, out of character

- The Inspector commented as follows: *The scale, design and detailing of the front elevation would positively complement neighbouring buildings to the south, bring more interest and activity to the Kingston Road frontage and accord with the aims of policy DC1.*
- *There is no reason in principle why the appeal site's frontage to Bushy Park Road should not generally reflect the general height, scale and positioning of the terrace of buildings on the opposite side, including the general extent of its separation from the nearest house in the road. However, while the existing buildings on the north side have a general unity and are set back*

behind a forecourt, the proposed side and rear elevations at the appeal site contain some jarring elements including a single-storey flat-roofed portion at the back edge of the footway and other flat-roofed sections at second-floor level which would be variously visible from points in Bushy Park Road. Within the context of the significantly increased presence of the proposed building as perceived from Bushy Park Road, these elements indicate a degree of over-development of the site out of keeping with the character and appearance of that road, thus failing to meet the requirements of policy DC1.

- 14 There is, unsurprisingly, no significant change to the proposed frontage. On the Bushy Park Road elevation, in the case of the first application a 12m long single storey part of the building would have directly abutted the pavement. All parts of the building will now be set back a minimum of 3m from the pavement with landscaping filling in the gap. This will enhance the appearance, particularly compared to the opposite side of Bushy Park Road where there are open forecourts between the shops and the pavement. The flat roofed elements mentioned by the Inspector as being visible from Bushy Park Road are completely removed and there will now be a side facing gable end, as is the case with the existing building. The proposal is now more similar to the development opposite, having two full storeys and accommodation in the roofspace. Bearing in mind that the specific elements criticised by the Inspector have been addressed it is not considered that this remains a reason for refusal.

Comparison of the refused and proposed Bushy Park Road elevations:

2011 application:



Current application:



#### Parking and servicing

- In the case of the appeal, the view of the Council, based on a submitted parking survey, was that as a result of the proposal the area would become 'heavily parked' (over 90% of available spaces within 200m taken up). The applicant disagreed. The Inspector commented as follows: *The appellant company (in its appeal statements) and the Council (from what it says in its committee report) are not in agreement about the survey's findings. However, in general terms it appears to me from the data that, as the appellant states, current on-street parking 'stress' varies between 78% and 85% according to the time of day/night. Adding in the total of 16 spaces referred to above (parking generated by the proposed development), stress levels would sometimes rise close to (but not exceed) the 90% measure adopted in the Council's supplementary planning document 'Front garden and other off-street parking standards' as indicative of critically 'heavy' on-street parking.*
- 15 This aspect was one of two which was raised by the applicant in an application for costs which were awarded against the Council by the Inspector. The applicant has agreed to secure car club membership for prospective residents. Taking into account the conclusion reached by the Inspector the new application is not opposed on parking grounds.
- 16 The reason for refusal also raised the matter of servicing. It is not believed that the Inspector fully understood the concerns raised. These are his comments: *"The reason for refusal also refers to concerns about adverse impacts on parking caused by the lack of servicing provision for the retail shop, the committee report suggesting (if somewhat obliquely) that this displacement factor is an additional element which should be added into the parking impact. However, the frequency and length of the servicing requirements for retail premises are unpredictable and are unlikely to monopolise street parking spaces for substantial parts of the day."*
- 17 A shop of this size may well become a convenience store, as has been suggested previously and with this new application by the applicant. The gross floor area would be 448 sq m (compared with 370 sq m proposed for a Sainsbury in Teddington High Street which was recently refused permission). Normally it is essential for servicing to be addressed as part of the application for such a large shop and where possible controlled on-street loading bays are necessary. In this case that is not possible as there is a pedestrian crossing in front of the shop and a loading bay in Bushy Park Road would be inappropriate as delivery traffic would use an otherwise quiet residential road. There is a forecourt which can be accessed via a dropped kerb in front of 212 – 216 (which had been installed to facilitate tankers using the former petrol filling station). It would be possible for a delivery vehicle to enter the forecourt in front of the shop via this crossover as long as the forecourt is not blocked by other vehicles. As the applicant controls the forecourt this is viable. However tracking drawings supplied by the applicant show that in order for a delivery vehicle to exit the forecourt without backing on to Kingston Road (which would be extremely dangerous) parts of the forecourt in front of 212-216 would be required to be clear to allow for turning space. This forecourt is owned by the developers of 218 – 220 Kingston Road (the former petrol station now being developed for residential purposes). Therefore, in order for servicing to work without causing unreasonable danger to pedestrians and traffic there will need to be an agreement between the owners of this site and those in control of the rest of the forecourt to ensure turning space is made available during deliveries. This needs to be the subject of an S106 planning agreement as the land in question, although part of the application site, is not controlled by the applicant.

#### Impact on neighbours

- 18 With the previous decision concern was raised by the Council at the possible impact of overlooking of the garden of 212 Kingston Road. The Inspector commented as follows: *The Council has also raised objection to the inclusion of a window to a small second bedroom on the southern elevation facing No 212. In view of the orientation of this window it is unlikely to result in direct overlooking of any windows at No 212 or result in any material further loss of privacy to those using the first floor deck and lower garden at No 212 than already arises from windows in*

existing neighbouring buildings. In my view harm would not occur to the aims of DMP policy DC5. Unlike the first application, amenity spaces are indicated on a flat roofed ground floor element at the side. These would need to be screened to avoid undue loss of privacy to No 212 and the method of screening can be conditioned. The screening would also prevent overlooking from side facing first floor windows.

- 19 It is acknowledged that the first and second floor elements will be closer to the side boundary with 212 Kingston Road than with the first application, however they will be separated from the garden of 212 by the 3m wide terraces and it is not considered that the overbearing impact will be greatly increased in comparison to the original scheme. The upper floors will only project 1m beyond the rear of the main building of 1 Bushy Park Road and, being separated by the footpath between them, will not have a significantly greater effect than the previous scheme.
- 20 No other aspect of the revised application would worsen the impact on neighbours. Opening hours should not exceed those allowed for the shop at the nearby former petrol station.

#### Larger shop

- 21 The principle of a larger shop was considered at the time of the previous application and was not objected to. The shop which was part of the nearby petrol filling station has now gone and this was approximately 170 sq m. Policy DM TC 2 refers to Neighbourhood Centres. This states the following:

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