

Professional Comments:

SUBJECT TO U.V.
BEING COMPLETED.

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): AWL

Dated: 16 8 13

I agree the recommendation:

Team Leader/Development Control Manager

Dated:

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: [Signature]

Dated: 27(08)13

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:

12/3768/FUL
58 BARNES HIGH STREET
BARNES

Barnes Common Ward

Contact Officer:
A. Wilson

Proposal: Demolition of all existing buildings associated with the former MOT garage and the redevelopment of the site to form a mixed use commercial development comprising the construction of a three storey building to include Class B1 offices at ground and first floor and 7 no 1 and 2 bed residential units at first and second floor level with photovoltaics panels on the roof, a partial green roof, communal open space, cycle parking and refuse storage.

Applicant: C/O Agent Dalton Warner Davis LLP

Application received: 30 November 2012

Main development plan policies:

Local Development Framework Core Strategy Policies 2009: CP1, CP2, CP5, CP7
CP8, CP14, CP15, CP16, CP17, CP18, CP19 Local Development Framework
Development Management Plan 2011 Policies: DM SD1, SD5, SD6, TC2, HD1, HD4,
HO3, HO6, EM1, EM2, TP7, TP8, DC 1, DC2, DC4, DC5, DC6.
Residential Development Standards SPD
Draft Affordable Housing SPD

Site, history and proposal:

The application refers to a garage workshop and MOT site extending from the High Street into the backland with a boundary wall preventing access onto Lyric Road at the rear. The existing workshop building is single storey with a footprint measuring approximately 42m by 15m and has a large pitched roof ca. 6.2m to ridge height giving a floorspace of 675 sq.m. Earlier applications also included the sales counter and office serving the garage business at No. 56 High Street, which fronts the High Street and is a BTM building, which obtained permission separately for a change of use to restaurant with side and rear extensions under ref. 06/2511/COU, with a flat retained on the first floor.

This is in an Area of Mixed Use, but only the southern end of the site outside the workshops' footprint is within the Barnes Green CA as is the area abutting the site to the east. The site is behind Key Shopping Frontage on Barnes High Street, and the 2 storey High Street buildings comprise shops with flats to the rear and above. Further east is the 5 to 6 storey Seaforth Lodge building comprising flats with its garage court running along the application site's eastern boundary. Also in the backland beyond the eastern boundary is a 2 storey office building. Across the northern and western site boundaries are 2 storey residential properties in Lyric Road and Melrose Road, although some of these houses also have extensive dormers. The Lyric Road cul-de-sac ends on the opposite side of the historic ca. 3m high boundary wall which also extends along the rear of the Melrose Road gardens. The roads to the north and west of the site are within a CPZ and Barnes High Street has pay and display parking.

History

05/3925/FUL - Redevelopment of site for 3-4 storey building comprising 386 sq.m. office floorspace, 19 Flats, change of use at No.56 to class A3 Restaurant with side and rear extensions. Would have refused due to; a) loss of employment space, b)

mix of affordable units, c) overbearing/visually intrusive, d) traffic/parking layout, e) restaurant amenity, f) height and bulk in townscape, h) design obtrusive in Lyric Road, i) recycling/refuse facilities, j) contaminated land, k) P.O.S. financial contribution. Appeal dismissed, due to loss of employment space, inappropriate affordable housing, out of character with surroundings and conservation area, overbearing and intrusive, loss of parking in Lyric Road, highway safety and free flow of traffic.

06/2511/COU – Change of Use at 56 Barnes High Street from Business use to Class A3

(restaurant/café) and single storey side and rear extension. Approved.

06/4126/CAC - Demolition of existing building. Approved.

08/1023/CAC- Demolition of existing garages.

06/2586/FUL - Redevelopment of site with 3 storey office building. Refused as unsightly in Lyric Road streetscene, overbearing and visually intrusive to properties in Lyric Road, Melrose Road and the rear of Barnes High Street, out of scale and obtrusive in surrounding area and CA, loss of privacy and excess illumination, contaminated land, no contribution to transport infrastructure siting of recycling and refuse facilities. Appealed then withdrawn.

08/1021/FUL - Demolition of garages and Redevelopment for B1 (Business use) and 7 residential flats. (agreed but s.106 not completed). No further action.

08/1022/CAC - Demolition of existing building. Approved.

11/0881/FUL – Demolish buildings on site and erection of building for Residential, Office and Retail use. Pending.

11/0882/CAC - Demolish all buildings on site. Pending.

Proposal

The application is for redevelopment of the site and erection of a 3 storey building comprising 613 sq.m. Class B1 offices at ground and first floor and 7x 1 and 2-bed dwellings at first and second floor levels. The office space would occupy the entire ground floor plus the first floor of the element orientated towards Lyric Road. The 5 x 1-bed. and 2 x 2-bed. units would be on the remainder of the first floor and entire second floor. All dwellings would be market.

The building would extend for almost the entire length of the site. At the Lyric Road end of the site the upper 2 floors would follow the forward building line of 4 and 6 Lyric Road, whilst the ground floor would follow the line of the back of the Lyric Road footway. The building at the south-west end adjacent to the garden of 60 High Street would be single storey plus the refuse storage area adjacent to 59 High Street. The building would back onto the garage court on the Seaforth Lodge site whilst the front would face the backs of Melrose Road gardens and the side boundary with No.6 Lyric Road. The pedestrian area would be on the frontage side of the building set approximately a metre lower than these gardens behind a 2.5m high wall. The ground floor of the proposed building would be set at distances varying between 6m and 2m from the boundary. The first and second floors would be staggered back progressively greater distances from the Melrose Road/No.6 Lyric Road boundary walls, with the upper floors closest to the rear of the house at No.6 Lyric Road set the furthest back from this boundary at ca.8m. The scheme follows closely the footprint and profile of the scheme approved in principle (subject to completion of a s.106) under ref. 08/1021/FUL. The main difference would be the addition of first floor

terraces facing the garden of 6 Lyric Road with enclosing perforated privacy screening walls projecting 2.2m outwards from the main elevation. There would be further terraces associated with each of the flats, the others facing the garage court to the rear, the rear of 59-60 High Street and the second floor space behind the flat facing Lyric Road.

The building form would be characterised by a series of brick gables with lower pitched roofs in the valleys clad in zinc. The first floor terraces would be screened by perforated brickwork. There would be more extensive glazing fronting the offices at ground floor which would be screened by the wall on the north west boundary. The part of the building orientated towards Lyric Road, would have more the form of a pair of Edwardian semi-detached houses, with wider windows, whilst retaining the front gables theme. Its ridge would match closely the ridge height of 4-6 Lyric Road whilst the red brick and slate roof is intended to match the materials of 4-6 Lyric Road. There would be pv. panels on the second floor roof facing 59-60 High Street at the southern end of the site.

The existing pedestrian access onto Barnes High Street between the shop and residential at No.59 and the restaurant at No.56 would be utilised. It would be gated at the High Street end and would run along the north-west side of the proposed building from where the 3 main entrances into the building would be formed with other ground floor doors just serving the offices. The existing pedestrian gate access onto Lyric Road would be retained for escape purposes only.

The development would be 'car free'. Separate areas for residential and office cycle parking would be within the pedestrian area adjacent to the building. This area would be finished in York Stone. Servicing would be from the High Street.

Public Consultation

4 letters of objections have been received on the grounds of;

- a) overlooking into ground floor flat at 61 High Street, Melrose Road properties
- b) loss of light to ground floor flat 61 High Street, ground floor windows at 59A High Street, Melrose Road properties ;
- c) access from the High Street unsuitable for vehicles, refuse collection and cycles, front door to 59A High Street;
- d) fire risk to 59A due to adjacent refuse storage area;
- e) overdevelopment leading to more parking congestion

One letter of support as sensitive innovative scheme addressing housing shortage

Barnes Community Association support the scheme as a sympathetic and practical use of the site which would help rejuvenate the High Street.

Amendments: Location plan altered to include access onto High Street as part of site

Amendments: Eaves on building adjacent to Nos. 8-10 Lyric Road lowered by between 600mm and 1.5m

Amendments: First floor terrace and enclosing wall set back 2.4m further away from the rear of No. 6 Lyric Road

Professional comments

The scheme bears many similarities in design, building form and land use mix to the scheme ref. 08/1021/FUL which was approved in principle in 2008, subject to completion of a s.106 agreement. However, there have been a number of changes in policy and guidelines since with the introduction of the Development Management Plan, Residential Development Standards and the Draft SPD on Affordable Housing.

Land Use

This is regarded as a general industrial Class B2 site and there would be a net loss of 62 sq.m. employment floor space which is contrary to Policy DM EM2. This is considered a location suitable for offices, it being within a town centre and an Area of Mixed Use. However, the net loss is not regarded as significant in the context of providing modern office facilities which otherwise meet the criteria of Policy DM EM1 closely.

There are no objections to a mixed use proposal in this location and the mix of 1 and 2 bed flats would be appropriate for a location close to a town centre in line with DM HO4.

When regarded as an infill site, the scheme would be compliant with design and neighbour amenity standards referred to in DM HO2 (see relevant paragraphs).

It is recognised that full compliance with Lifetime Homes criteria is ruled out given the need to retain an employment use on the ground floor and the other site constraints.

Residential Development Standards

One of the main differences from this and the 08/1021/FUL scheme (and other earlier schemes) is the introduction of minimum internal and external space standards for residential units. In terms of external amenity space, all flats would have access to an external terrace and would exceed the minimum space standard of 5 sq.m per 1 or 2 bed. flat, with 1 sq.m. extra for each additional occupant stated in DM HO4 and the residential Development Standards SPD. The terraces would have perforated brick screens to prevent overlooking, but would provide suitable outdoor amenity space. The dwellings would also exceed minimum space standards quoted in the SPD.

Design

The 08/1021/FUL scheme, which this proposal is modelled on, received a good endorsement from officers in terms of its success in integrating well into the surrounding townscape, picking up on the gable features and brick material characteristic of the locality. This scheme would provide a close replica. Its building form would bear a very close match to the 08/1021/FUL scheme and with the ground floor partially sunken into the ground by 1m to 1.5m, the 2.5 storey height in the backland area would not be overdominant in relation to existing buildings. The series of pitched roof gables would reflect the predominant roof form of the surrounding area and would create more gaps at the upper level to break up the building mass. Although there would be several contemporary elements in the design, such as the zinc roof and the glazing at ground level, the latter would be well screened and partly below ground level, and generally, the architectural style could be regarded as traditional which is one of the criteria required in Policy DM HO2 on Infill Development. The setbacks from the north-west boundary wall would help to reduce any perception of cramping with the buildings in Melrose Road and 4-6 Lyric Road.

Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE

Miss Emma Mann
Dalton Warner Davis LLP
21 Garlick Hill
London
EC4V 2AU

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref: 58 Barnes High Street
Resi an...

Our ref:
DC/AWL/12/3768/FUL/FUL

Letter Printed: 26 September
2013

FOR DECISION DATED
26.09.2013

Dear Sir/Madam

Applicant:

Agent: Miss Emma Mann

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 **30 November 2012** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

58 Barnes High Street, Barnes, London, SW13 9LF.

for

Demolition of all existing buildings associated with the former MOT garage and the redevelopment of the site to form a mixed use commercial development comprising the construction of a three storey building to include Class B1 offices at ground and first floor and 7 x 1 and 2 bed. residential units at first and second floor level with photovoltaics panels on the roof, a partial green roof, communal open space, cycle parking and refuse storage.

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

APPLICANT NAME c/o Agent	AGENT NAME Miss Emma Mann 21 Garlick Hill London EC4V 2AU
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SITE:

58 Barnes High Street, Barnes, London, SW13 9LF.

PROPOSAL:

Demolition of all existing buildings associated with the former MOT garage and the redevelopment of the site to form a mixed use commercial development comprising the construction of a three storey building to include Class B1 offices at ground and first floor and 7 x 1 and 2 bed. residential units at first and second floor level with photovoltaics panels on the roof, a partial green roof, communal open space, cycle parking and refuse storage.

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:

U62974 emergency access to Lyric Road	U62922 CSH - level 3
U62975 no piling construction	DV11 Use of roof restricted
U62928 close existing access	U62924 no additional windows
AT01 Development begun within 3 years	U62926 screening walls
BD12 Details - Materials to be approved	DV49 Construction Method Statement
DV18A Refuse arrangements	U62950 implement FRA and SUDS
DV29E Potentially Contaminated Sites	U62952 Arboricultural Method Statement
LT09 Hard and Soft Landscaping Required	U62956 Tree protection
PK06A Cycle parking	U62960 Drawings
U62921 BREEAM rating	

INFORMATIVES:

U70991 comp.inform	U70993 CIL
U70994 Unilateral Undertaking	U70992 NPPF advice

DETAILED CONDITIONS

U62974 emergency access to Lyric Road

The existing pedestrian access onto Lyric Road shall be retained for emergency purposes only. REASON: In the interests of human safety and of the amenities of Lyric Road residents.

U62975 no piling construction

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. REASON: To ensure that piling work does not create a pathway for contamination of the underlying aquifer.

U62928 close existing access

The existing access to the High Street shall be closed in a manner in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the new development is occupied.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

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.

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.

DV18A Refuse arrangements

None of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/waste 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.

DV29E Potentially Contaminated Sites

1. No development shall take place until:

a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the local planning authority

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

c) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the local planning authority

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

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

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

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

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

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

PK06A Cycle parking

No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.

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

U62921 BREEAM rating

The development hereby approved shall achieve BREEAM Rating Very Good 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.

U62922 CSH - level 3

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.

DV11 Use of roof restricted

The roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.

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

U62924 no additional windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no window other than those shown on the approved plan(s) shall be installed in the first and second floors north-west or south-west wall(s) of the building hereby permitted.

REASON: To safeguard the amenities of adjoining occupiers.

U62926 screening walls

The screening walls, as indicated on drawing P216 received on 6 March 2013, shall be erected around the external terraces, as indicated on the approved drawings, prior to occupancy of the associated dwellings and shall be so retained thereafter. REASON: In the interests of neighbouring occupiers' privacy.

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

U62950 implement FRA and SUDS

The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) by EAS (November 2012). Development should not commence until a surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a Sustainable Drainage Systems (SUDS) hierarchy that achieves reductions in surface water run-off rates in line with Policy 4A.14 of the London Plan.

Reason: To reduce the risk due to flooding on the future occupants of the proposed building and ensure that the new development does not increase the risk of surface water flooding.

U62952 Arboricultural Method Statement

Prior to any work associated with this application commencing on site, a scheme specific Arboricultural Method Statement (AMS) must be submitted, this is to include details of all special engineering within the Root Protection Area and other relevant construction details. The AMS must be in accordance with section 6.1 of British Standard 5837:2012 'Trees in relation to design, demolition and construction-recommendations.' The AMS must be submitted for approval before any material or machinery is brought onto the site and before any demolition, development or landscaping commences. The scheme must be undertaken in accordance with the approved AMS. REASON: To ensure that the tree(s) are not damaged or otherwise adversely affected by the building operations and soil compaction.

U62956 Tree protection

Prior to any works associated with this application commencing on site a scheme of tree protection is to be formulated for all trees within 5m from the boundary of the development site, for all phases of development; this should include the measures to prevent damage to above and below ground parts of retained trees.

A Tree Protection Plan shall be submitted in accordance with section 5.5 of British Standard 5837:2012 'Trees in relation to design, demolition and construction-recommendations'.

Detailed measures of protection should be in accordance with sections 6.2 and 7 of British Standard 5837:2012.

All details must be submitted for approval to the Local Planning Authority and the approved protection must

be installed before any material or machinery is brought onto the site and before any demolition, development or landscaping commences.

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

U62960 Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable. P110, P111, P112, P200E, P214, P100B (note: the Location Plan on P100B is superseded) received 30 November 2012, P201F, P202E, P203D, P210E received 3 July 2013, P212D, P213A, P215A, received 21 June 2013, P217 received 24 May 2013, P216 received 6 March 2013, O.S. Location Plan received 7 August 2013.

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

DETAILED INFORMATIVES

U70991 comp.inform

b 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) 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.

SCHEDULE OF REASONS FOR APPLICATION 12/3768/FUL

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

THIS UNILATERAL UNDERTAKING is made as a Deed the 23rd day of September two thousand and thirteen BY SQUARE YARD LIMITED (Company registration number 05612429) incorporated and registered in England and Wales with whose registered office is at 1 Mills Yard, Fulham, London SW6 3AQ ("the Owner")

IN FAVOUR OF

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES of Civic Centre, 44 York Street, Twickenham, Middlesex, TW1 3BZ ("the Council")

INTERPRETATION

IN this Deed the following words and expressions shall have the following meanings:-

- | | |
|---------------------|---|
| "1990 Act" | the Town & Country Planning Act 1990 |
| "Car Club" | a club operated and managed by a Car Club Provider in which members can book cars owned by the Car Club and parked in specifically reserved car club spaces and use them for the period of the booking |
| "Car Club Provider" | an organisation accredited in the United Kingdom by Car Plus which provides cars for use by members of a Car Club in consideration of payment thereof such as Zipcar, City Car Clubs or such other car club operating within the as may be approved in writing by the Council |
| "Car Plus" | the national charity (No. 1093980) promoting responsible car use and which operates an accreditation scheme for Car Clubs |
| "DCM" | the Council's Development Control manager for the time being or such other person as may be appointed from time to time to carry out that function |
| "Commercial Units" | all of the commercial units to be created as part of the Development |
| "Contributions" | the combined sum of the Education Contribution, the Health Contribution, the Public Realm Contribution and the Transport Contribution |
| "Development" | the development described in the Planning Application |

“Education Contribution”	the sum of five thousand five hundred and twenty four pounds (£5,524)
“Health Contribution”	the sum of one thousand five hundred and nine pounds sixty nine pence (£1,509.69) Indexed
“Indexed”	in accordance with the formula whereby the relevant contribution is multiplied by the fraction A divided increased by B where B represents the value of the Retail Prices Index (All Items) as at the date hereof and A represents the value of the same index as at the date of payment of the relevant contribution to the Council
“LDF”	the saved policies of the Richmond upon Thames LDF Development Management Plan 2011
“Material Start”	the carrying out in relation to the Development of a material operation as defined in Section 56(4) of the 1990 Act save that such shall not include works of demolition; works of site clearance; ground investigations site survey works; laying of services and service media; construction of temporary accesses; archaeological investigation; landscaping works off the public highway; and noise attenuation works
“Monitoring Fee”	5% of the combined sum of the Contributions being one thousand two hundred and ninety three pounds ninety one pence (£1,293.91)
“Occupation”	the full and beneficial occupation of a Unit (but this expression shall not include occupation for the purposes of construction or fitting out or for marketing or security purposes) and “Occupied” and “Occupy” shall be construed accordingly
“Plan 1”	the plan so marked and annexed hereto
“Planning Application”	a planning application submitted by the Owner on 30 November 2012 to the Council bearing reference number 12/3768/FUL for the demolition of all existing buildings associated with the former MOT garage and the redevelopment of the site to form a mixed use commercial development comprising the construction of a three storey building to include Class B1 offices at ground and first floor and 7 no 1

“Property”	and 2 bed residential units at first and second floor level with photovoltaics panels on the roof, a partial green roof, communal open space, cycle parking and refuse storage land and buildings known 57-58 Barnes High Street, London, SW13 9LF as delineated in red on Plan 1
“Public Realm Contribution”	the sum of five thousand nine hundred and fifty six pounds sixty pence (£5,956.60) Indexed
“Residential Units”	all of the Residential Units to be created as part of the Development
“Transport Contribution”	the sum of twelve thousand eight hundred and eighty eight pounds (£12,888) Indexed
“Units”	all of units to be created as part of the Development comprising of the Residential Units and the Commercial Units and the word "Unit" shall be construed accordingly

WHEREAS:

- (1) The Owner is registered at the Land Registry under title numbers SY275761 and SGL38877 (part) as the proprietor of the freehold interest in the Property
- (2) Policy CP18 of the LDF Core Strategy 2009 provides that the Council will ensure the provision of schools, pre-schools and other educational facilities meet the need for additional educational resources any new development may generate and developers will have to take into account the potential need to contribute to the provision of primary and secondary school places in the borough
- (3) Policies DM TP2 and DM TP8 of the LDF Development Management Plan 2011 provide that the Council will only approve new development where the transport infrastructure can accommodate it or be adapted to it and new development should be acceptable in terms of traffic generation and traffic impact in the road
- (4) In December 2006 the Council adopted as Supplementary Planning Guidance a Car Club Strategy which provides inter alia that the Council will encourage new car club provision in the locality of a development through the Council's preferred Accredited Car Club Provider or, where appropriate and where capacity exists, affiliation to the preferred Accredited Car Club Providers Car Club

- (5) Policy CP17 of the LDF Core Strategy 2009 provides that health and wellbeing in the Council's area is important and all new developments should encourage and promote healthier communities and places
- (6) Policy CP16 of the LDF Core Strategy 2009 provides that new development will be expected to provide for additional infrastructure and community needs generated by the development
- (7) The Owner has agreed to enter into this Deed in order to secure the planning obligations contained in it in accordance with LDF so that it may be taken into account as a material consideration in the determination of this Planning Application by the Council

NOW THIS DEED WITNESSETH as follows:-

THIS Deed is made pursuant to Section 106 of the 1990 Act and the obligations contained in this Deed are planning obligations for the purposes of that section insofar as they fall within the terms of Section 106 of the 1990 Act and this Deed is conditional upon the grant of planning permission pursuant to the Planning Application by the Council

The Owner hereby UNDERTAKES to the Council:

- 1.1 Not to occupy or permit or allow the occupation of any part of the Development for residential purposes until:
 - (i) it has submitted to the DCM details of the name of and correspondence with the Car Club Provider indicating the intention of the Owner to establish that occupiers of each Residential Unit to be constructed as part of the Development shall have free membership in a Car Club scheme life or equivalent including a proposed establishment date for his approval and not to occupy the Residential Unit unless and until the Car Club Provider for the Residential Unit has been approved by the DCM
 - (ii) it has included a provision in any lease, licence or tenancy agreement affecting the Residential Units that each Residential Unit shall be entitled to belong to the Car Club at the Property
 - (iii) within one month of the Occupation of a Residential Unit on the Development to procure at its own expense that the first occupiers of the Residential Unit have a lifetime membership of the approved Car

Club and to provide a copy of the final signed and dated contract with the Accredited Car Club Provider to the DCM

- (iv) in the event that the Accredited Car Club Provider is no longer able to provide the Car Club for the Development notify the DCM in writing and shall then use all reasonable endeavours to secure another Accredited Car Club Provider for the Development in accordance with the provisions of this Deed

1.2 Unless the occupier of a Residential Unit is the holder of a disabled persons badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 (or such other legislation as may supersede it and provide for the issue of disabled persons parking badges/permits) no application shall be made for a resident's permit to park a vehicle in marked highway bay or other place within a controlled parking zone within the Council's area nor will the Council enter into a contract (other than individual contracts for one occasion) with such person to park in any car park controlled by the Council and in any disposal and/or letting of the Residential Units the Owner will:

- (i) inform all prospective purchasers, lessees or tenants of the Residential Units of the restriction contained within this paragraph;
- (ii) impose, so far as is legally possible, within the relevant disposal/letting documents enforceable covenants giving effect to the restriction contained in this paragraph; and
- (iii) upon receipt of a written request from the Council and upon reasonable notice provide to the Council such information as the Council may reasonably require to demonstrate compliance with sub-clauses (i) and (ii) above.

1.3 On the date hereof to pay the Council's legal costs incurred in the preparation and completion of this Deed in the sum of five hundred pounds (£500) together with the Monitoring Fee

1.4 Upon the date of the first occupation of the Residential Units to pay the Contributions

1.5 To provide written notification to the DCM of its intention to commence the Development at least seven (7) days before making a Material Start

2. GENERAL:

- (a) Reference to the masculine feminine and neuter genders shall include the other genders and reference to the singular shall include the plural and vice versa
- (b) A reference to a clause is a reference to a clause contained in this Deed
- (c) The expressions "the Council" and "the Owner" shall include their respective successors in title and assigns

Local land charge provisions

- (d) This Deed is a Local Land Charge and shall be registered as such in the Council's Register of Local Land Charges immediately on completion thereof

Reference to statutes and statutory instruments

- (e) Reference in this Deed to any statutes or statutory instruments shall include and refer to any statutes or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

English Law Applicable

- (f) The construction validity and performance of this Deed shall be governed by English Law

Effect of revocation of planning permission

- (g) In the event of the Planning permission being revoked by the Council or any other authority having powers in relation to planning matters or otherwise withdrawn or modified by any statutory procedure without the consent of the Owner or its successors in title the obligations of the Owner under this Deed shall thereupon cease absolutely

Liability of subsequent owners and release of former owners

- (h) The provisions hereof shall be enforceable by the Council against the Owner and all persons who shall have derived title through or under it in respect of the Property (but so that no person shall be liable to the Council for any breach of the provisions committed after such a person has parted with all of its freehold interest in such land)

Effect of covenant

- (i) Any covenant contained herein whereby the relevant party is not to do an act or thing shall be construed as if it were a covenant not to do or permit or suffer

to be omitted such act or thing and any covenant whereby the relevant party is not to omit to do an act or thing shall be construed as if it were a covenant not to omit or permit or suffer such act or thing to be omitted to be done

Contracts (Rights of Third Parties) Act 1999

- (j) The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and no person who is not a party to this Deed is to have the benefit of or be capable of enforcing any term in this Deed and no party is to have any rights to enforce this Deed other than those falling with the definitions of the Council and the Owner

Release

- (k) This Deed shall be deemed to have been revoked and be of no effect (without any further act or deed on the part of either the Council or the Owner) if a Material Start has not taken place within 3 years of the date of this Deed or the Planning Permission having been granted shall be varied or revoked other than at the request of the Owner or the Planning Permission having been granted is quashed following a successful legal challenge

Interest on late payment

- (l) if any of the Contributions due under clause 1.4 of this Deed are not paid to the Council within the timescales stipulated therein, then interest shall be paid on such contribution at the rate of 4% above the base rate of Barclays Bank plc from time to time in force from the date that the contribution became due to the date of actual payment

Community Infrastructure Levy

- (m) The terms of this deed comply in all respects with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 in that the obligations contained herein are necessary to make the Development acceptable in planning terms, directly relate to the Development and fairly relate in scale and kind to the Development

IN WITNESS whereof with the intent that these presents should be executed as a deed the parties hereto have duly executed the same the day and year first before written

EXECUTED as a Deed by the said)
SQUARE YARD)
LIMITED acting by)
A director and company secretary)
(or two directors))

Director *Jim Marshall*

Director/Secretary *Abreen Tapp*

DWD 1 - 58 Barnes High Street



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*River Nashell,
23/9/2013.*

**Dalton
Warner
Davis**