

Mr Terence Kearney
T Kearney Architects
217 Mortlake Road
RICHMOND
TW9 4EW
United Kingdom

Letter Printed 22 October 2020

FOR DECISION DATED
22 October 2020

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
Decision Notice

Application: 19/3905/FUL
Your ref: 422 Upper Richmond Road West ...
Our ref: DC/GRE/19/3905/FUL/FUL
Applicant: Company
Agent: Mr Terence Kearney

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 **27 December 2019** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

422 Upper Richmond Road West East Sheen London

for

Replacement shopfront, replacement windows, 2 no. rooflights on front roof slope, new basement level with lightwells and rear staircase ground floor side/rear extension and 3 rear dormer roof extension to facilitate the provision of 1 no. retail unit and 7 no. flats (5 x studio flats and 2 x 1 bed flats) with associated hard and soft landscaping, cycle and refuse stores.

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

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 19/3905/FUL

APPLICANT NAME

Company
Basing House
Watts Road
Thames Ditton
KT7 0BX

AGENT NAME

Mr Terence Kearney
217 Mortlake Road
RICHMOND
TW9 4EW
United Kingdom

SITE

422 Upper Richmond Road West East Sheen London

PROPOSAL

Replacement shopfront, replacement windows, 2 no. rooflights on front roof slope, new basement level with lightwells and rear staircase ground floor side/rear extension and 3 rear dormer roof extension to facilitate the provision of 1 no. retail unit and 7 no. flats (5 x studio flats and 2 x 1 bed flats) with associated hard and soft landscaping, cycle and refuse stores.

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

AT01	Development begun within 3 years
U0089332	Materials
U0089333	Restricted Roof Use
DV30	Refuse storage
DV51	Water Consumption
U0089334	BREEAM Domestic Refurbishment
U0089335	Approved Drawings
U0089336	Shop front detail
U0089337	Cycle and Refuse Storage
U0089338	Hard and soft landscaping

INFORMATIVES

U0045920	NPPF
U0045921	Composite Informative
U0045923	CIL Liable
U0045924	Section 106 Agreement
IE06	Details of piling-EHO consultation

DETAILED CONDITIONS AND INFORMATIVES

DETAILED CONDITIONS

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.

U0089332 Materials

No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials as stated within the application submission.

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

U0089333 Restricted Roof Use

The roof of the buildings 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.

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.

DV51 Water Consumption

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

Reason: In the interests of water efficiency in accordance with Policy DMSD9 of the Development Management Plan (2011).

U0089334 BREEAM Domestic Refurbishment

The dwelling(s) hereby approved shall achieve BREEAM Domestic Refurbishment Rating 'Excellent' in accordance with the terms of the application & the requirements of the BREEAM 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.

U0089335 Approved Drawings

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

Location Plan; BREEAM Pre-Assessment; Energy Statement; Inclusive Access Statement; Parking Survey; Sustainable Construction Checklist; Water Calculator; Construction Management Statement; Construction Site Layout (excluding building footprint); 2016/4/PL1; 2019/11/D1CR; 2019/11/D1L and 2019/11/PL2 received 27th December 2019

Sustainable Drainage Proforma received 10th January 2020

Email confirming 'retail' as uses formerly known as A1/A2 received 22nd October 2020

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

U0089336 Shop front detail

The development shall not be carried out other than in accordance with detailed drawings to a scale of not less than 1:50; which shall be submitted to and approved in writing by the Local Planning Authority, such details to show the shopfront including details of materials.

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

U0089337 Cycle and Refuse Storage

The development hereby approved shall not be occupied until the cycle and refuse storage arrangements have been provided in accordance with drawings 2019/11/D1CR and 2019/11/PL2. The storage facilities shall be retained thereafter.

REASON: To accord with this Council's policy to discourage the use of the car wherever possible and to safeguard the appearance of the property and the amenities of the area.

U0089338 Hard and soft landscaping

The residential development hereby approved shall not be occupied until the hard and soft landscaping has been implemented in accordance with drawings 2019/11/PL2 and 2019/11/DIL or drawings to 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 and to preserve and enhance nature conservation interests.

DETAILED INFORMATIVES

U0045920 NPPF

In accordance with paragraphs 38-42 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 formal pre-application 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 acceptable as submitted, and approved without delay.

U0045921 Composite Informative

Reason for granting:

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

Principal Policies:

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

Local Plan

- o Policy LP 1 Local Character and Design Quality
- o Policy LP 8 Amenity and Living Conditions
- o Policy LP 11 Subterranean developments and basements
- o Policy LP 16 Trees, Woodlands and Landscape
- o Policy LP 20 Climate Change Adaptation

- o Policy LP 21 Flood Risk and Sustainable Drainage
- o Policy LP 22 Sustainable Design and Construction
- o Policy LP 24 Waste Management
- o Policy LP 26 Retail Frontage
- o Policy LP 34 New Housing
- o Policy LP 35 Housing Mix and Standards
- o Policy LP 36 Affordable Housing
- o Policy LP 45 Parking Standards and Servicing

Supplementary Planning Documents / Guidance:

- o Affordable Housing SPD
- o Design Quality SPD
- o Refuse and Recycling Requirements SPD
- o Residential Development Standards SPD
- o Small and Medium Housing Sites SPD
- o East Sheen Village Planning Guidance

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: 020 8891 1411).

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: 020 8891 1411).

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 the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 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.

U0045923 CIL Liable

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

U0045924 Section 106 Agreement

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

IE06 Details of piling-EHO consultation

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. Where developments include foundations works require piling operations it is important to limit the amount of noise and vibration that may effect local residents.

There are a number of different piling methods suitable for differing circumstances. Guidance is contained in British Standard BS 5228 Noise control on Construction and Open Sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations.

Where there is a risk of disturbance being caused from piling operations then the council under section 60 Control of Pollution Act 1974 can require Best Practicable Means (BPM) to be carried out. This may entail limiting the type of piling operation that can be carried out.

The types of piling operations which are more suitable for sensitive development in terms of noise and vibration impact are;

* Hydraulic Piling

* Auger Piling

* Diaphragm Walling

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION
19/3905/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ