

## Application reference: 21/1521/FUL SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
29.04.2021	13.05.2021	08.07.2021	08.07.2021

**Site:**

54 George Street, Richmond, TW9 1HJ,

**Proposal:**

Part infill second floor and roof, removal of rooflights, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part basement, part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats

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

**APPLICANT NAME**

Mr M Gurpinar  
Unit 1, 393 North End Road  
London  
SW6 1NR  
United Kingdom

**AGENT NAME**

Miss Sandy Scott  
Da Vinci House  
44 Saffron Hill  
London  
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United Kingdom

**DC Site Notice:** printed on and posted on 21.05.2021 and due to expire on 11.06.2021

**Consultations:****Internal/External:****Consultee**

LBRuT Waste Services  
LBRUT Transport  
14D Urban D  
14D POL  
LBRuT Non-Commercial Environmental Health Noise Issues

**Expiry Date**

28.05.2021  
28.05.2021  
28.05.2021  
28.05.2021  
08.07.2021

**Neighbours:**

25 George Street, Richmond, TW9 1HY, - 14.05.2021  
24 George Street, Richmond, TW9 1YH, - 14.05.2021  
26 George Street, Richmond, TW9 1HY, - 14.05.2021  
So Bar, 10 Brewers Lane, Richmond, TW9 1HH, - 14.05.2021  
Second Floor, 53A George Street, Richmond, TW9 1HJ, - 14.05.2021  
First Floor, 53A George Street, Richmond, TW9 1HJ, - 14.05.2021  
First And Second Floors, 55 - 56 George Street, Richmond, TW9 1HE, - 14.05.2021  
The Britannia, 5 Brewers Lane, Richmond, TW9 1HH, - 14.05.2021  
3 Brewers Lane, Richmond, TW9 1HH, - 14.05.2021  
55 - 56 George Street, Richmond, TW9 1HE, - 14.05.2021  
53 George Street, Richmond, TW9 1HJ, - 14.05.2021  
10 The Green, Richmond, TW9 1PX, - 14.05.2021  
FLAT 1 ROOM 3, CANTERBURY MANSIONS, LYMINGTON ROAD, LONDON, NW6 1SE -  
3 MONKSPATH HALL ROAD, MONKSPATH, SOLIHULL, B90 4SJ -  
16 Brewers Lane, Richmond, TW9 1HH -

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

<u>Development Management</u> Status: RSS Date:23/01/1995	Application:94/3668/FUL Change Of Use From Class A1 (shops) To Class A2 (financial And Professional Services)
<u>Development Management</u> Status: WNA Date:23/04/1997	Application:97/0216 Installation Of Five External Roof Mounted Air Conditioning Units
<u>Development Management</u> Status: GTD Date:20/06/1977	Application:77/0132 Installation of a new shopfront.
<u>Development Management</u> Status: GTD Date:20/06/1977	Application:77/0133/ADV For Advertisements.
<u>Development Management</u> Status: GTD Date:04/12/1979	Application:79/1126/ADV For Advertisements.
<u>Development Management</u> Status: GTD Date:05/12/1979	Application:79/1166 Installation of new shopfront.
<u>Development Management</u> Status: REF Date:25/04/1984	Application:84/0083/ADV For Advertisements.
<u>Development Management</u> Status: REF Date:25/04/1984	Application:84/0110 Alterations to shopfront.
<u>Development Management</u> Status: GTD Date:06/05/1986	Application:85/1742/ADV Internally illuminated fascia sign. (Amended Plan No. 0242.51.09(A) received on 9.4.86).
<u>Development Management</u> Status: GTD Date:06/05/1986	Application:85/1761 Alterations to shopfront. (Amended Plan No. 0242.51.09(A) received on 9.4.86).
<u>Development Management</u> Status: GTD Date:25/11/1986	Application:86/1316 Alterations to shopfront. (Amended plan No. 0242.51 10A received on 3.11.86).
<u>Development Management</u> Status: GTD Date:01/08/1988	Application:88/0959 New Shopfront.
<u>Development Management</u> Status: GTD Date:05/07/1965	Application:65/0383 Erection of an Electricity Sub-Station.
<u>Development Management</u> Status: GTD Date:04/09/1974	Application:74/0679 Provision of new shop fronts at front and side.
<u>Development Management</u> Status: GTD Date:04/09/1974	Application:74/0680/ADV For Advertisements.
<u>Development Management</u> Status: GTD Date:05/01/2011	Application:10/3013/FUL Refurbishment of existing retail unit including new shopfront
<u>Development Management</u> Status: GTD Date:05/01/2011	Application:10/3014/ADV New fascia and projecting sign.
<u>Development Management</u> Status: GTD Date:27/04/2011	Application:11/0233/FUL New roof plant for refurbishment of existing retail unit
<u>Development Management</u> Status: VOID Date:02/02/2011	Application:11/0234/VOID New roof plant for refurbishment of existing retail unit
<u>Development Management</u> Status: REF	Application:11/0860/FUL

Date:11/05/2011	Relocation of existing single side escape door to side elevation (Brewers Lane)
<u>Development Management</u> Status: GTD Date:16/05/2012	Application:12/0924/ADV Additional 2no. lighting LED ecolux strips fixed to existing fascia above existing non-illuminated shopfront fascia lettering.
<u>Development Management</u> Status: VOID Date:29/03/2012	Application:12/0925/VOID 2no. external ecolux LED lighting strips to be fixed to the existing fascia to illuminate the existing shopfront fascia lettering
<u>Development Management</u> Status: WDN Date:12/02/2021	Application:20/3285/FUL Part infill second floor and roof, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats
<u>Development Management</u> Status: PDE Date:	Application:21/1521/FUL Part infill second floor and roof, removal of rooflights, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part basement, part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats
<u>Appeal</u> Validation Date: 19.07.1995 Reference: 94/3668/FUL	Development Appeal
<u>Building Control</u> Deposit Date: 13.09.2021 Reference: 21/1530/IN	Self containment of the basement, ground floor commercial space to include sound and fire proofing and the change of use of the first and second floor to residential use (8 units)
<u>Building Control</u> Deposit Date: 15.09.2021 Reference: 21/1554/IN	Internal alterations and refurbishments of the ground floor shop for a little Dobbies garden retail store
<u>Enforcement</u> Opened Date: 02.07.2018 Reference: 84/00024/EN	Enforcement Enquiry

<b>Application Number</b>	<b>21/1521/FUL</b>
<b>Address</b>	<b>54 George Street, Richmond TW9 1HJ</b>
<b>Proposal</b>	<b>Part infill second floor and roof, removal of rooflights, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part basement, part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats</b>
<b>Contact Officer</b>	<b>Jack Davies</b>
<b>Legal Agreement</b>	<b>Yes</b>

## 1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

## 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The proposal site comprises a three-storey building with basement and retail use comprising all floors. It is understood the upper floors are currently vacant and not in use.

The application site is partly within the Central Richmond Conservation Area and also partly within the Richmond Green Conservation Area. The building is locally designated as a Building of Townscape Merit (BTM) and is also in a key office area (KOA) and designated key shopping frontage (KSF).

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application proposes Part infill second floor and roof, removal of rooflights, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part basement, part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats.

The Council's records have identified various development control history mostly relating to advertising and the ground floor shop. These can be viewed above. The most relevant to this application are listed below:

**20/3285/FUL** - Part infill second floor and roof, replacement windows/doors and new doors on ground floor side elevation to facilitate the change of use of part ground floor and first and second floors from retail (Class E) to residential use (Class C3) to create 8 residential flats. **Withdrawn**

**11/0860/FUL** - Relocation of existing single side escape door to side elevation (Brewers Lane). **Refuse 11/05/2011**

**11/0233/FUL** - New roof plant for refurbishment of existing retail unit. **Approved 27/02/2011**

**10/3013/FUL** - Refurbishment of existing retail unit including new shopfront. **Approved 05/01/2011**

## 4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

6 x objections were received raising the following concerns

- Proximity to pub resulting in noise issued for future occupants
- Amenity of occupants of the Britannia Pub compromised
- Impact on Heritage Assets
- Lack of sunlight to new residential units

- Location too dense with residential units
- Loss of retail space detrimental to the Key Shopping Frontage
- Over development
- Out of character balconies
- Parking issues
- Refuse collection implications
- Overlooking
- No construction management plan submitted
- 

1 x letter of support was received which as in favour of the use change. An observation was received as an addendum to this letter of support raising concern of overlooking.

The representations are addressed in the assessment in Section 6 below.

The scheme was altered, rectifying discrepancies between drawings, with slight changes to the internal configuration and changes to the design of the proposed door to the waste storage space along brewers lane. it was not considered necessary to renotify neighbours as there was no material difference to the scheme.

## 5. MAIN POLICIES RELEVANT TO THE DECISION

### NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 12. Achieving well-designed places

These policies can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

### London Plan (2021)

The main policies applying to the site are:

- Policy D1 – London’s form, character and capacity for growth
- Policy D3 – Optimising site capacity through design led approach
- Policy D4 – Delivering good design
- Policy D6 – Housing quality and standards
- Policy D12 – Fire Safety
- Policy D14 – Noise
- Policy H2 – Small sites
- Policy H4 – Delivering affordable housing
- Policy SI2 – Minimising greenhouse gas emissions
- Policy SI8 – Waste capacity
- Policy T4 – Assessing and Mitigating transport impacts
- Policy T5 – Cycling
- Policy T6 – Car Parking
- Policy T7 – Deliveries, servicing and construction

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

### Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	
Impact on Heritage Assets	LP3, LP4	Yes	
Impact on Amenity and Living Conditions	LP8	Yes	
Sustainable Design and Construction	LP20, LP22, LP23	Yes	

Waste Management	LP24	Yes	
Impact on Shopping Frontage	LP25, LP26	Yes	
New Housing, Mix, Standard	LP34, LP35	Yes	
Affordable Housing	LP36	Yes	
Parking Standards and Servicing	LP45	Yes	

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

### Supplementary Planning Documents

Affordable Housing  
 Design Quality  
 House Extension and External Alterations  
 Transport  
 Refuse and Recycling Storage Requirements  
 Residential Development Standards  
 Small and Medium Housing Sites  
 Sustainable Construction Checklist  
 Shopfronts  
 Village Plan – Central Richmond

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

### Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

## 6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Principle of Use
- ii Design and impact on local character
- iii Impact on neighbour amenity
- iv Residential standards
- v Affordable housing
- vi Sustainability
- vii Transport
- viii Fire Safety

### Issue i –Principle of Use

*In Accordance with the London Plan 2021, Richmond's 10 year Housing targets for (2019/20 -2028/29) is 4,110.*

*Local Plan Policy LP35A states that Development should generally provide family sized accommodation, except within the five main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. The housing mix should be appropriate to the site-specifics of the location.*

*The London Plan 2021 Policy H2 'Small Sites' states that:*

*A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) significantly increase the contribution of small sites to meeting London's housing needs*
- 2) diversify the sources, locations, type and mix of housing supply*
- 3) support small and medium-sized housebuilders*
- 4) support those wishing to bring forward custom, self-build and community led housing*
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.*

*B Boroughs should:*

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites*
- 2) where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites*
- 3) identify and allocate appropriate small sites for residential development*
- 4) list these small sites on their brownfield registers*
- 5) grant permission in principle on specific sites or prepare local development orders.*

The proposals are for smaller studio, 1 and 2 bedroom units. This is considered to be a smaller mix, which is appropriate in town centre locations.

The benefits arising from the contribution of additional residential units would be generally in accordance with Policy LP34 and London Plan policy H2 which proactively supports new homes on small sites. The supporting text to that policy states that "For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and planmaking".

The text continues to note that "Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs." The site is within an area supported for incremental intensification and the net addition to the housing stock must be attributed weight as a benefit of the scheme.

*Local Plan Policy LP 26A resists the loss of retail floorspace in KSF. However, the government's introduction of the combined commercial class means that there is considerable scope to change between uses in Class E without the need for planning permission.*

The scheme is located within a KSF and as above, the loss of retail floorspace in this location will be resisted. The scheme proposes that part of the existing retail unit is lost partially at basement level, partially at ground floor and the entire first and second floors. Paragraph 7.2.8 is particularly relevant in this instance, and states:

*"This policy primarily protects the ground floor. It does not apply to a separate unit located to the rear of a unit fronting the main shopping street. It is acknowledged that there may be scope to convert floorspace (including ancillary space) to other uses, provided that the commercial or community use on the ground floor remains of a viable size and that this does not lead to an unacceptable loss of commercial or community space on upper floors. For retail premises, sufficient ancillary space should be retained."*

In this case, the proposal results in the partial loss of existing ancillary retail floorspace on upper floors. The proposal retains 270 sqm of retail floor space at ground floor, and a further 196sqm at basement level. The area lost at ground floor is to the rear of the existing retail space and it is considered that the remaining retail space is a size large enough to accommodate a retailer/ business falling within Use Class E. Given such it is considered that Local plan Policy LP26 is satisfied.

## **Issue ii- Design and impact on Local Character and Heritage Assets**

*Local Plan policy LP 1 states that:*

*The Council will require all development to be of high architectural and urban design quality. The*

*high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

*The site lies within both the Central Richmond Conservation Area and Richmond Green Conservation Area and Policy LP3 seeks the protection of areas of special significance by designating Conservation Areas and that the impact of proposals within and affecting the setting of Conservation Area will be taken into account. New development should conserve and enhance the character and appearance of the area.*

*Local Plan Policy LP4 states The Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit, memorials, particularly war memorials, and other local historic features.*

This building is in a prominent position on the corner of Brewers Lane and George Street, and is particularly visible in views from the Hill Street end. The site, as mentioned forms part is 2 x CA's and is designated as a BTM.

Proposed under this scheme is the conversion of the upper floors to residential, with alterations to openings and changes to the parapet level of the side/rear elevations and infill.

It is noted that there are no external changes proposed to the front façade facing George Street.

The parapet level facing Brewers Lane will accommodate an infill extension where there is currently a small section of mansard; this mansard will be replaced to match the existing parapet level. As this will not be easily visible from surrounding views it will have a minimal impact on the character of the BTM and the conservation area. The materials used are to match the existing building and any approval can be conditioned as such.

Likewise, an infill extension is proposed to the rear elevation. This elevation is obscure from views at public view points, is in scale with the host BTM and will be constructed in materials to match existing. It is conceded that there may be some visibility from the listed building to the side and behind of the property, however give the modest scale of the extension it is not considered that the impact of the changes be substantial enough to have a negative impact on views to/from the rear and therefore would not warrant as reason for refusal.

The windows are proposed to be timber sash along all elevations. It is noted that the existing Brewers Lane elevations benefits from metal casement window, however the applicant argues in their heritage statement that the windows on this elevation were originally timber sash and that the proposals are to reinstate this. It is appreciated that the metal casement windows are significant, having been in place for a substantial period of time, and now forming a part of the buildings narrative and positively contributing to the CA. However, given the argument to reinstate timber sash windows and that this style of window is generally considered sympathetic in Conservation Areas, and that it provides a more cohesive treatment to the building, there can be no objection.

The proposed rear facing windows are to be replaced with timber sash windows as well. The rear windows sit in front of proposed winter gardens. The winter gardens will not be apparent due to the siting of the windows and the character and appearance of the host BTM will be maintained. Further details of all windows will be conditioned.

Doors are proposed to the brewers lane elevation. There is no objection to this subject to further details of design which can be conditioned.

Subject to conditions requiring further detail, the scheme is considered to satisfy Local Plan Policy LP1, LP3 and LP4.

### **Issue iii- Impact on Neighbour Amenity**

*Local Plan Policy LP 8 states that All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.*

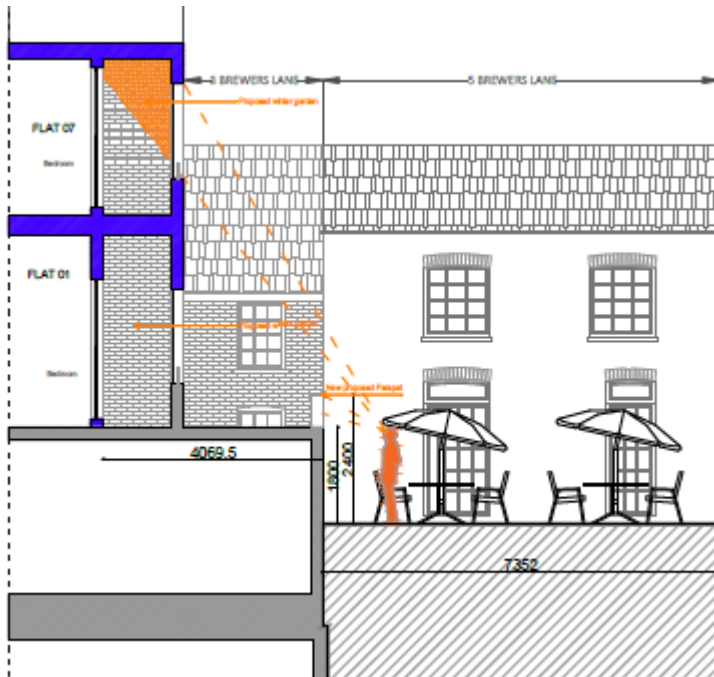
The proposal seeks to introduce residential accommodation into this town centre location. The proposal is located adjacent to The Britannia, which benefits from a terrace to the rear of the property. There are concerns regarding overlooking and noise in particular for the future occupants of the proposed residential units. In this regard, the proposed layout has been designed to mitigate potential impact. The units on the

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second floor will be protected given the limited angle of view from the lower terrace level.

The first floor flat 01 comprises a single aspect flat with outlook towards the pub terrace. There are 3 windows. The kitchen window to the infill is relatively short and it appears likely that this will be positioned in between floor and wall kitchen units (section AA). It will therefore be in a functional part of the room and the limited field of view (section EE) afforded from the oblique angle will be further hindered by interior fittings. The southerly window which also serves this kitchen/living/diner is in a more recessed position and includes a 'winter garden' to further recess the living area and limit the field of view. The most exposed window is the northerly one serving a bedroom. This also includes a 'winter garden' and in conjunction with the raised parapet limits the field of view from the terrace. It remains however that views will be afforded to the upper parts of the room from patrons of the terrace. This is a shortcoming of the scheme that must be balanced out against the benefits of the scheme. In a vibrant town centre location where there is an existing dense pattern of development, and the nature of a conversion scheme, that such a shortcoming does not weigh heavily against the development. It is considered reasonable and necessary to condition the implementation of the raised parapet to safeguard amenity.



**Figure 1: Outlook study from Brewers Inn Terrace**

In regards to noise, the applicant has submitted an Acoustic Report, which demonstrates the scheme (with adequate design mitigation), would comply with relevant noise standards. The Councils Environmental Health Consultant has reviewed the scheme and concurs with the findings, however further detail will be required as a condition in regards to the mitigation.

It is noted a window is located to the rear of No.3 Brewers Lane. This window does not appear to service a residential property and is instead floorspace ancillary to the ground floor commercial unit. Notwithstanding such, the winter garden provides a degree of mitigation in regards to potential overlooking for future residents of the scheme. An oblique angle of view will be afforded to the window from the development but given the non-residential nature of the use, no concerns are raised.

The proposed external alterations are infill extensions, and therefore do not provide additional bulk which could be considered overbearing to any neighbouring properties nor result in loss of sunlight.

The proposed side elevation windows facing Brewers lane would look over the top of the roof of No.55 George Street. 55 George Street does not comprise residential units and therefore there would be no views afforded with potential to impact privacy from this outlook.

The rear windows also face the rear garden of the residential properties along The Green, however it is appreciated that a degree of mutual overlooking occurs due to first and second floor windows to the existing properties.

The north-eastern facing windows will overlook 53 George Street and beyond. The upper floors of the nearest properties are not in residential use with Council Tax records indicating the nearest upper floor flat is at no. 49. Given this and the oblique angles of view, no harm is identified from overlooking from these windows.

Given the above it is not considered that residential amenity would be compromised as a result of this scheme, therefore satisfying Local Plan Policy LP8.

#### Issue iv – Residential Standards

Local Plan Policy LP35 states that: *All new housing development, including conversions, are required to comply with the Nationally Described Space Standard.*

Policy LP 35 (B) requires new housing to comply with the nationally described space standard (NDSS) - which sets minimum gross internal floor areas as per the below table.

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

The proposed internal floor area of each unit appears to comply with the above standards.

The NDSS sets out the floor to ceiling heights should be 2.3m for at least 75% of the dwelling floorspace. The London plan requires floor to ceiling heights of 2.5m. The proposed sections demonstrate that this is achieved.

Each unit appears to have adequate access to sunlight and outlook. The proposed units which face Brewers Lane are positioned with windows above the roofline of the adjacent commercial building, and therefore are provided outlook and sunlight which is not compromised by existing structures. As demonstrated above in the 'amenity' section the rear facing units benefit from a winter garden, which helps mitigate the harm in term of potential privacy for future occupants in its proximity to the pub adjacent.

The first floor unit flat 01 would have its southerly window facing onto the elevation of no. 5 thus severely restricting outlook. It is recognised however that this room is served by 2 windows and although not ideal, it is considered that sufficient outlook is provided.

It is conceded that there would be an element of harm, as there will still be some views of the units afforded from the garden of pub, however, on balance, given the benefits of the scheme providing housing in a town centre location, and that the units meets the NDSS standards in regards to internal floor area, have adequate outlook and each habitable and have adequate circulation and floor to ceiling heights. Given such, on balance, it is considered that the proposals are acceptable.

It is noted there is no private open space however it is recognised that this is not always possible, particularly in areas of mixed use and residential development above commercial shops.

The scheme is considered to satisfy local plan policy LP35.

### **Issue v – Affordable Housing**

Policy LP36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD.

The applicant submitted a viability report which argues that the scheme would not be viable with Affordable Housing contributions. This was independently reviewed, and it is agreed that an affordable housing contribution would not be viable.

### **Issue vi – Sustainability**

*Policy LP20 on Climate Change Adaptation states that new development should minimise energy consumption and minimise the impact of overheating. Policy LP22 covering Sustainable Design and Construction states that Proposals for change of use to residential will be required to meet BREEAM Domestic Refurbishment 'Excellent' standard (where feasible).*

The Applicant has submitted a BREEAM pre-assessment, which states the scheme can achieve a rating of 'Excellent'.

The proposal is also submitted with a Sustainability and Energy Report, which outlines that 35% reduction in CO2 emissions is achieved. It is noted that this is not achieved through use of renewables. The applicant has justified this by stating that the roof is already in use by plant machinery, and given the heritage designations of the site it is preferred that further paraphernalia of the kind is avoided. Given CO2 reduction can be achieved despite the lack of renewables, and that BREEAM 'excellent' rating is achieved this is accepted.

Local Plan Policy LP 22 is considered satisfied.

### **Issue vii – Transport and Servicing**

The property is situated in a PTAL zone with a score of 6a and is located within Richmond Town Centre. The applicant proposes a car free scheme. Given the lack of parking, and in order to mitigate the impact of on-street congestion, the application will be required to enter into a s106 agreement precluding future occupants from obtaining parking permits. A suitable condition will be imposed to this extent. The applicant has also stated within their transport statement, willingness to fund car club memberships for future occupants for a period of 5 years. Commitment to this will also be secured by way of condition and a s106 agreement should be entered.

The applicant proposes a bicycle and bin store to be accessed from Brewers Lane which is highway maintained at public expense and a heavily used pedestrian route. The doors are to open inwards in order to avoid any issue of pedestrian safety and it is noted that there appear to be adequate cycle parking provision in this space.

The applicant proposes that refuse operatives stop vehicles either on The Green or George Street and collect bins from the store. The above-mentioned refuse and recycling supplementary planning guidance states that refuse collectors should not be forced to carry refuse sacks or wheel refuse bins more than 20m to and from a refuse vehicle. It is approximately 21m from the proposed doors to the refuse store north of Brewers Lane and the footway on George Street, which is heavily used by pedestrians at all times of the day and evening. The applicant has agreed that individual sacks for householder waste and recycling can be stored in the proposed refuse storage area. These will not be stored in wheely bins, and therefore the need to wheel bins long distances are avoided. There are a number of existing commercial properties in this locality, of which utilise the Council's garbage collection services. Although the bin store is located at a slightly greater distance from potential vehicle parking spaces, as SPD guidance suggests, the contravention is very marginal and on balance, given the benefits of the scheme as discussed in the report above, is considered acceptable. A refuse management plan and further details of the layout of the refuse store will be conditioned accordingly in the case of a successful application.

The proposed development involves some alteration to the external structure of the existing building in the form of infill development on the second floor and alteration of the windows. Therefore, a construction management plan needs to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This will need to set out where vehicles will unload and how other road users will be kept safe during construction.

Subject to conditions, the scheme is considered to satisfy Local Plan Policy LP45.

### **Issue viii – Fire Safety**

Policy D12 – Fire Safety states:

*In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:*

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point*
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) are constructed in an appropriate way to minimise the risk of fire spread*
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

*The supporting text explicitly asks applicants to :*

- a. *demonstrate on a site plan that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.*
- b. *show on a site plan appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.*

The applicant has submitted a fire safety statement along with a site plan. These documents are considered to satisfy London Plan Policy D12.

## **7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is considered liable for the Mayoral and Richmond CIL however this is subject to confirmation by the CIL Administration Team.

## **8. RECOMMENDATION**

This recommendation is made following careful consideration of all the issues raised through the application process.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

**Grant planning permission with conditions**

### **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

This application is CIL liable

YES\*       NO  
(\*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement

YES\*       NO  
(\*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online  
(which are not on the file)

YES       NO

This application has representations on file

YES       NO

Case Officer (Initials): .....DAV.....

Dated: .....08/11/21.....

**I agree the recommendation:**

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team 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.

South Area Team Manager: .....  .....

Dated: .....09.11.2021.....