

# **PLANNING STATEMENT**

## **CAR PARK AT ST MARGARETS BUSINESS CENTRE, GODSTONE ROAD, ST MARGARETS, TW1 1JS**

**ON BEHALF OF GODSTONE DEVELOPMENTS LIMITED**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**PEGASUS REF: P20-0141**

**DATE: APRIL 2022**

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## 1. INTRODUCTION

1.1 This Statement has been prepared by Pegasus Group on behalf of Godstone Developments Limited ('the Applicant'), in support of a full planning application for the following proposed development at land east of St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS ('the site'):

***"Erection of 3 no. residential dwellings (Class C3) with associated parking, access and landscaping."***

1.2 This application forms the re-submission of a previously refused application (ref. 20/2664/FUL) and seeks to address the reasons for refusal which are set out within Section 3 of this Statement, as well as the Inspector's comments set out within the report of the subsequently dismissed appeal (ref. APP/L5810/W/21/3268141).

1.3 This planning application also follows pre-application discussions with Planning Officers of the London Borough of Richmond upon Thames.

1.4 This Statement sets out the planning rationale that underpins the proposed development, to demonstrate its acceptability in planning terms.

1.5 The Statement is structured as follows:

- **Section 2** provides a description of the site and the surrounding area;
- **Section 3** gives an overview of the relevant planning history;
- **Section 4** provides a description of the development proposals;
- **Section 5** sets out the planning policy context;
- **Section 6** assesses the proposals against the relevant planning considerations; and
- **Section 7** summarises and concludes the report.

## **2. SITE DESCRIPTION**

### **Location**

- 2.1 The site is situated within the administrative boundary of the London Borough of Richmond upon Thames ('LBR'). The site is located at the corner of Drummonds Place and Winchester Road, and is bound by Godstone Road to the north. The site is approximately 0.2km south west of St Margarets Rail Station and 0.2km east of Moormead and Bandy Recreational Ground.
- 2.2 The site comprises land formerly used as a "overspill" car park associated with the St Margarets Business Centre, which adjoins the site to the south-west. The car park is surplus to the requirements and forms separate ownership from the St Margarets Business Centre, which comprises 7 no. industrial units served by adequate parking within forecourts directly to the front of the units. Forming separate ownership, the business centre no longer has use of the car park.
- 2.3 The site is largely square and measures approximately 0.06 hectares in size. A photograph of the site is included at Figure 1 below. The site is bound to the north by Godstone Road and Winchester Road to the east, which are characterised by 2-storey terraces and semi-detached residential properties.
- 2.4 The site is located approximately 250m to the west of St Margarets Railway Station and the adjoining shops and services.



**Figure 1 - Application site from Winchester Road**

- 2.5 A review of historic OS maps of the site shows that since the business centre was built in the early 1980s (planning application ref. 82/456) the site has always been utilised as a car park. A copy of the historic OS map dated 1988-92 is included at Figure 2 below, with the site circled.



**Figure 2 - Extract of OS Map showing the site from 1988-92**

- 2.6 The adopted Local Plan allocates the St Margarets Business Centre as a "*Locally Important Industrial Land and Business Park*", however the site falls outside of this designation being physically separated from it (the local plan designation includes land up to the access gates as shown in Figure 3). Accordingly, the site is not included within the employment designation and thus is considered "white land".
- 2.7 Since the grant of planning permission in 1982 for the Business Park (Ref. 82/0457), the site has always been used intermittently for overflow car parking and has never assumed an employment use. The site is also within the St Margarets Village Character Area.



**Figure 3 - Gated Access to St Margarets Business Centre**

- 2.8 The site does not lie within a Conservation Area and none of the buildings within the immediate vicinity are statutory Listed. There are two nearby Conservation Areas (Amyand Park Road Conservation Area located approximately 50m to the south and Crown Road Conservation Area approximately 200m to the east).
- 2.9 According to the Environment Agency indicative flood maps, the site is wholly located within Flood Zone 2, which has a medium probability of flooding (between a 1 in 100 and 1 in 1,000 annual probability of river flooding).
- 2.10 A review of the Transport for London WebCAT map confirms that the site has a PTAL rating of 2, albeit the site lies within the immediate proximity of St Margarets Train Station and close to shops and services provided along St Margarets Road.
- 2.11 Whilst the site is predominately hard standing, there is vegetation on the site's perimeter, with the mature trees protected by a group Tree Preservation Order, made on 17<sup>th</sup> October 2019 (Ref. T1049 A1).

### 3. BACKGROUND AND PLANNING HISTORY

3.1 The St Margarets Business Centre was developed in the early 1980s following the grant of planning permission (ref. 82/0457) at appeal on 11<sup>th</sup> May 1987 for:

*"Demolition of existing buildings and the erection of 7 light industrial units, ancillary offices, parking and manoeuvring space."*

3.2 The application site did not form part of the built development for the St Margarets Business Centre and has solely been used as an overflow car parking area.

#### **Planning History**

3.3 The application site was the subject of the following application which was refused in September 2020:

- **Ref. 20/2664/FUL** – Erection of 4no. residential dwellings 4no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees) – *Refused 22nd December 2020.*

3.4 The application was refused for the following reasons:

1. **Character & Design** – The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. The proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).
2. **Parking/Highways** – In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore contrary, in particular, to Policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).

3. **Loss of ancillary industrial/employment** – The proposal would result in the complete loss of existing ancillary industrial land and without adequate replacement land or a marketing exercise in accordance with Appendix 5 of the Local Plan to demonstrate there is no longer any demand for such land, this would reduce employment opportunities within the locality contrary to the aims of the Council’s employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and economy Study (2015), and the Mayor of London’s Land for Industry and Transport Supplementary Planning Guidance (2012).
4. **Loss of trees/biodiversity** – Due to the loss of trees with special amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment and is thereby detrimental to the street scenes. This is contrary to, in particular, Policies LP1, P15 and LP16 of the Local Plan (2018).
5. **Affordable Housing** – The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to Policy LP36 of the Local Plan (2018) and adopted Supplementary Planning Guidance ‘Affordable Housing’.

3.5 A copy of the full Decision Notice is attached at **Appendix 1**.

### **Appeal**

- 3.6 The above decision was the subject of an appeal which was dismissed on 6<sup>th</sup> September 2021 (ref. APP/L5810/W/21/3268141), with the Council’s decision upheld due to the effect on the character and appearance of the area, and the removal and loss of trees.
- 3.7 The Inspector considered there to be four main issues in respect of the appeal. The four issues and a summary of the Inspector’s comments are set out in the table below.



**Table 1 - Summary of Inspector's Comments**

No.	Main Issue	Summary of Inspector's Comments
1.	The effect on the character and appearance of the area, including the effect of the removal of protected trees.	<p>The rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings.</p> <p>The rear would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that would fail to integrate appropriately with the surrounding development.</p> <p>The proposed building would be viewed as an overly bulky feature which would be appreciable from the adjacent road and would be particularly unsympathetic when viewed from the elevated railway bridge. This the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity.</p> <p>The development would result in the loss of all but one of the existing trees, some of these are large and all are subject of a TPO. The collective value of the trees makes a positive contribution to the appearance of the street. The loss of the trees, notwithstanding the proposals for replacement planting elsewhere, would substantially degrade the quality of the streetscene. The inclusion of some replacement trees would do little to ameliorate this impact given the size and number would not be comparable.</p>
2.	The effect on biodiversity.	<p>The ecological assessment identified some importance in terms of support biodiversity, predominantly as foraging and community habitat. While the scheme would result in the loss of this, given the location of vegetation lining the nearby railway, an appropriate landscaping scheme secured by planning condition could ensure that sufficient habitat</p>

		<p>replacement is incorporated.</p> <p>The scheme would not result in any unacceptable effect on biodiversity and thus it accords with Policy LP15 of the Local Plan insofar as it seeks to ensure new habitats or biodiversity features are incorporated into development.</p>
3.	<p>Whether the scheme would result in the unjustified loss of ancillary industrial land.</p>	<p>The site is visually distinct from St Margarets Business Centre. The separation is reinforced by the presence of a gated access to the employment site, which the site lies outside of.</p> <p>The site lies outside of the area that is designated within the Local Plan as Locally Important Industrial Land and Business Parks.</p> <p>There is no floorspace provision within the site and the location appears independent from the employment site.</p> <p>The site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it industrial premises. Accordingly, the proposal would not conflict with the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land.</p>
4.	<p>Whether the scheme makes adequate provision for a contribution towards affordable housing.</p>	<p>Policy LP36 of the Local Plan specifically refers to the replacement of employment floorspace which the appeal site does not comprise.</p> <p>The appeal site does not comprise an employment site, and therefore the contribution in respect of new build development of 20% provision would be appropriate. On this basis the scheme would make an appropriate contribution towards affordable housing and thus complies with Policy LP36.</p>

3.8 The full Appeal Decision is attached at **Appendix 2**.

3.9 This application forms a re-submission of the above scheme which seeks to overcome the previous reasons for refusal in light of the Inspector's comments.

**Surrounding Area**

No. 2 Godstone Road

3.10 It is noted that a planning application was granted at No. 2 Godstone Road (Ref. 16/4818/FULL) on 1<sup>st</sup> March 2017 for the demolition of existing garden shed and erection of single storey side/rear extension. The rear of No. 2 Godstone Road is disguised behind a high boundary wall, although it is understood that this permission has been implemented with construction of the extension.

#### 4. DEVELOPMENT PROPOSAL

4.1 This application seeks planning permission for 3 no. residential dwellings (Use Class C3) and associated parking, access and landscaping. Specifically, the proposals include the erection of 3 no. townhouses which would front onto Winchester Road, with individual front and rear gardens and 1 no. car parking space provided for each dwelling.

4.2 A schedule of accommodation is set out in the table below, with all dwellings exceeding the National Described Space Standards (March 2015):

House No.	No. Bedrooms / Persons	Total Area (sqm)
House 1	5 bed / 8 persons	173 sqm
House 2	4 bed / 6 persons	134 sqm
House 3	3 bed / 6 persons	130 sqm

4.3 The dwellings will each be demised 1 no. car parking space, accessible from Drummonds Place, and have storage facilities for 2 no. cycles (per household).

##### **Layout**

4.4 The siting of the proposed dwellings within the site has been re-orientated from the previously proposed scheme and will front onto Winchester Road. The dwellings have been designed to be a modern interpretation of the 'bookend' orientation of properties on surrounding streets.

4.5 The dwellings would benefit from private gardens provided to the front and rear of each property, with the front garden area including 2no. cycle parking spaces per dwelling and a refuse and recycling area.

4.6 The proposed car parking spaces which will provide 1no. car parking space per dwelling, will be located along Drummonds Place within the south west of the site.

##### **Appearance**

4.7 The proposed dwellings have been designed to be of a modern style whilst respecting the surrounding context. The overall ridge height of the proposed

houses has been aligned to the neighbouring properties of Winchester Road, with pitched roofs to reflect the character of the surrounding properties.

- 4.8 The proposed dwellings will predominantly comprise timber cladding at the upper storeys and roof level, glazing with iron window frames, and buff brick which will complement the surrounding existing building present along Winchester Road and Godstone Road.
- 4.9 The front gardens will have low brick walls that will complement the street and delineate the demises. The existing brick wall which forms the boundary of the site along the western boundary adjacent to No. 2 Godstone Road is proposed to be retained.
- 4.10 Following pre-application discussions, the roof-lights have been reduced in size to be in keeping with the scale of the development.
- 4.11 The proposed dwellings represent a high quality development that has been designed to integrate with the surrounding context of the site. The accompanying plans, Design and Access Statement, and CGIs provide further details on the appearance of the proposed dwellings.

#### **Access and Parking**

- 4.12 The proposed dwellings will front on to Winchester Road and will have level access into the house via a front garden which will incorporate paved pathways to the entrance to the dwelling. Two of the dwellings will benefit from an additional access to their rear gardens via side gates.
- 4.13 The 3no. car parking spaces will be located within the south western part of the site, along Drummonds Place.

#### **Landscape**

- 4.14 To address the reasons for refusal of the appeal, the proposed development will retain the majority of existing trees onsite, which will be managed as part of the formalised landscape strategy. Unavoidably given proximity of construction adjacent to trees, the proposals will result in the loss of 3no. existing trees onsite however these are proposed to be replaced with 5no. trees resulting in an overall net addition to trees on site. Further, a 30 sqm extensive green roof area has also

been proposed. Where possible, soft landscaping has also been accommodated within the private amenity space of the proposed dwellings.

## 5. PRE-APPLICATION ENGAGEMENT

5.1 Paragraph 39 of the National Planning Policy Framework (2021) sets out that early engagement between the Applicant and the Local Planning Authority has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

5.2 Accordingly, the Applicant submitted a pre-application enquiry to the London Borough of Richmond upon Thames on 19<sup>th</sup> October 2021. A written response was received on 11<sup>th</sup> January 2022. A copy of the response is provided at **Appendix 3** which took into account the Inspector's comments as part of appeal ref. APP/L5810/W/21/3268141. On this basis the Council raised no further concerns with regard to the principle of redeveloping the site for residential development as the previous reason for refusal in regard to the loss of employment/industrial land under ref. 20/2664/FUL was not upheld by the Inspector.

5.3 The key comments within the written response are set out below:

- Room sizes – All units should comply with the Nationally Described Space Standards as well as floor to ceiling height and minimum room sizes.
- External Amenity Space – The west facing rear gardens appear acceptable with no objection raised.
- Inclusive Access – 90% of new housing should be provided at Building Regulations M4(2) 'accessible and acceptable dwellings' and 10% at M4(3) 'wheelchair-user dwellings'.
- Amenity of Future Occupants / Neighbouring Properties – Future occupants will need to be provided with acceptable outlook, daylight, and ventilation. The rear facing windows will need to be assessed in terms of potential overlooking of No. 2 Godstone Road which should include an assessment of sight lines.
- Design and Siting – The proposal was considered an improvement over the previous scheme. The skylights were considered to be a potential issue due to appearing visually dominant, and the overall height, eaves and ridge, and scale of development will need to relate to the neighbouring properties.
- Sustainability – A Sustainable Construction Checklist and Energy Statement should be accompanied with any future application.
- Highways / Parking – Two perpendicular bays would not be acceptable due to carriage width. The Council would have no objections to the development being car-free.

- Construction Phase – A Construction Method Statement should be submitted with any future application which addresses the impact on neighbouring properties.
- Cycle Parking – 6no. cycle parking spaces will be required (2 per dwelling).
- Refuse Stores – Refuse stores will need to be sited away from the front elevation to preserve visual amenity of the locality.
- Affordable Housing – Affordable Housing to be provided in accordance with Council policy, to be secured via S106 agreement.
- Flood Risk and Sustainable Drainage – A detailed flood risk assessment will need to be submitted.
- Land Contamination – A contamination report should be submitted with the application due to former potentially contaminative land uses.
- Ecology – An ecology report which incorporates ecological enhancement measures should be submitted with any future application.
- Trees – Some concerns were raised with the proximity and pressure to prune trees in the future, taking into consideration the ultimate size of the trees and reasonable daylight/sunlight hours. There is potential for additional/mitigation trees to be planted, subject to existing utilities. The Council would support a management plan for the trees being submitted.
- Air Quality – An Air Quality Assessment would need to be submitted to demonstrate that the development will have no adverse effects on local air quality.
- Consultation – It was recommended that independent local consultation on the future proposals is carried out.

5.4 The comments raised within the pre-application discussions have been taken into account during the design stage of the application.

### **Engagement and Consultation**

5.5 As highlighted within the accompanying Statement of Community Involvement (prepared by Pegasus Group), prior to the submission of this application, the Applicant has consulted with the local community, to provide the opportunity to shape and inform the development proposals in advance of the final scheme being submitted for determination. A summary of the comments received and how this has informed the design process is provided within the accompanying Statement of Community Involvement.

5.6 Overall, the pre-application process has provided an opportunity to highlight and address any issues at an early stage in the planning process, including the reasons for refusal in respect of planning application ref. 20/2664/FUL. The



development proposals forming this application submission have been refined to address feedback which has been received.

## 6. PLANING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications for development should be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.
- 6.2 The Development Plan for London Borough of Richmond Upon Thames consists of the London Plan (adopted March 2021) and the Local Plan (adopted July 2018 and March 2020 in relation to two legal challenges).
- 6.3 London Borough of Richmond are also in the process of preparing a new Local Plan which will be used to guide the location, amount, and type of development the Borough needs to accommodate. The Council carried out a Call for Sites exercise between March and April 2020, followed by informal engagement through community workshops in Summer/Autumn 2021. The Council consulted on the Pre-Publication Draft Local Plan (Regulation 18) between December 2021 and January 2022.
- 6.4 The latest timetable issued by the Council sets out that the next stage of consultation (Regulation 19) is scheduled for Autumn 2022, with Submission and Examination scheduled between Spring 2023 - Spring 2024 and Adoption in Autumn 2024.
- 6.5 Other material considerations that are relevant to the application proposals include the following:
- National Planning Policy Framework (NPPF) (published in February 2019);
  - National Planning Policy Guidance (NPPG); and
  - Adopted London Borough of Richmond and Mayoral Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG).

### **National Planning Policy Framework (2019)**

- 6.6 The National Planning Policy Framework (NPPF) was published by the Government in February 2021. Chapter 2 states that *"the purpose of planning is to contribute to the achievements of sustainable development"*. Further, this chapter notes that *"sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"*.

- 6.7 The NPPF stipulates that the planning system has three overarching objectives in order to achieve sustainable development, which are an economic, social, and in environmental objective, each of which are interdependent. It also states that at the heart of the Framework is the "*presumption in favour of sustainable development*".
- 6.8 **Paragraph 69** states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
- 6.9 **Paragraph 119-120** states that planning decisions should promote and support development of under-utilised land and buildings, including development of car parks, especially if this would help to meet identified needs for housing.
- 6.10 **Paragraph 159** states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.11 **Paragraph 161** states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by, *inter alia*, applying the sequential test and then, if necessary, the exception test.
- 6.12 **Paragraph 162** states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 6.13 **Paragraph 163** states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the

development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

- 6.14 **Paragraph 164-165** states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.

#### **London Plan (March 2021)**

- 6.15 The London Plan sets the overall strategic plan for London.
- 6.16 **Policy GG2 (Making the Best Use of Land)** states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must, *inter alia*:
- Enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites;
  - Prioritise sites which are well-connected by existing or planned public transport; and
  - Applying a design-led approach to determine the optimum development capacity of sites.
- 6.17 **Policy H1 (Increasing Housing Supply)** states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.
- 6.18 **Policy H2 (Small Sites)** states that 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, *inter alia*:
- Significantly increase the contribution of small sites to meeting London's housing needs;
  - Diversify the sources, locations, type and mix of housing supply;

- Support small and medium-sized housebuilders; and
- Achieve the minimum targets for small sites as a component of the overall housing targets.

6.19 Table 4.1 sets out the updated 10 year targets for net housing completions (2019/20 – 2018/29). For LBR, the 10 year housing target is 4,110 dwellings.

6.20 Table 4.2 sets out the 10 year targets (2019/20 – 2028/29) for net housing completions on small sites (below 0.25 hectares in size). For LBR, the 10 year housing target is 2,340 dwellings.

6.21 **Policy D6 (Housing Quality and Standards)** states that housing development should be of high quality and design and provide adequately sized rooms. For private internal spaces, a dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide. Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

#### **Adopted Development Plan**

6.22 As set out in the extract of the adopted Policies Map (Figure 4 below), the application site is not subject to any specific policy designations.



**Figure 4 - Extract of Policies Map**

6.23 St Margarets Business Centre is allocated as a Locally Important Industrial Land and Business Park within the district. The extent of the allocation is shown in the extract of the Local Plan below at Figure 5. Notably, the application site falls outside of this allocation, which stops in the location of the existing gated access (illustrated on Figure 3). The site falling outside of the employment allocation was upheld by the Inspector as part of the appeal decision (ref. APP/L5810/W/21/3268141).



**Figure 5 - Extract of St Margarets Business Centre from Local Plan Locally Important Industrial Land Allocation**

6.24 Policies from the adopted Local Plan (adopted 2018) of relevance are set out below.

6.25 **Policy LP1 (Local Character and Design Quality)** states the Council will require all development to be a high architectural and urban design quality. To ensure development respects, contributes to and enhances the local environment and character, the following will be considered when assessing proposals:

- Compatibility with local character including the relationship to existing townscape, development patterns, views, local grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing;

- Layout, siting and access, including making best use of land;
- Space between buildings, relationship of heights to widths; and
- Suitability and compatibility of uses.

6.26 **Policy LP2 (Heights)** states that the Council will require buildings to make a positive contribution towards the local character, generally reflecting the prevailing building heights within the vicinity, and respecting the local context through appropriate scale, height, mass, urban pattern, development grain, materials, streetscape, roofscape, and wider townscape and landscape.

6.27 **Policy LP3 (Designated Heritage Asset)** states that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, Scheduled Monuments as well as the Registered Historic Parks and Gardens, will be conserved and enhanced

The Council will resist substantial demolition in Conservation Areas and any changes that could harm heritage assets, unless it can be demonstrated that:

1. In the case of substantial harm or loss to the significance of the heritage asset, it is necessary to achieve substantial public benefits that outweigh that harm or loss;
2. In the case of less than substantial harm to the significance of the heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; or
3. The building or part of the building or structure makes no positive contribution to the character or distinctiveness of the area.

All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or the appearance of the Conservation Area.

6.28 **Policy LP8 (Amenity and Living Conditions)** states that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. The Council will:

- Ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible;
- Ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure; and
- Ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.

6.29 **Policy LP10 (Local Environmental Impacts, Pollution and Land Contamination)** states that the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, to the surrounding land. These potential impacts can include, but are not limited to, air pollution, noise and vibration, light pollution, odours and fumes, solar glare and solar dazzle as well as land contamination.

6.30 **Policy LP15 (Biodiversity)** states that the Council will protect and enhance the borough's biodiversity, through supporting enhancements to biodiversity, incorporating and creating new habitats or biodiversity features, including trees, into development sites and maximising the provision of soft landscaping, including trees, shrubs and other vegetation.

6.31 **Policy LP16 (Trees, Woodlands and Landscape)** states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. The Council will resist the loss of trees, unless the tree is dead, dying or dangerous, or the tree is causing significant damage to adjacent structures, or the tree has little or no amenity value. The Council will require, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the monetary value of the existing tree to be felled will be required in line with the CAVAT; require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native species is



encouraged where appropriate; and require that trees are adequately protected throughout the course of development.

6.32 **Policy LP21 (Flood Risk and Sustainable Drainage)** states that development will be guided to areas of lower risk by applying the 'Sequential Test' as set out in national policy guidance, and where necessary, the 'Exception Test' will be applied. The table within Policy LP21 states that for development within Zone 2, a Flood Risk Assessment and Sequential Assessment are required.

6.33 The supporting text for Policy LP21 states that future development in Zone 2 and 3a will only be considered if the 'Sequential Test' has been applied in accordance with national policy guidance, subject to some exceptions. The Sequential Test will not be required if it not major development (defined as development where the number of dwellings to be provided is 10 or more, or the site area is 0.5 hectares or more) and at least one of the following applies:

- It is a Local Plan proposal site that has already been sequentially tested, unless the use of the site being proposed is not in accordance with the allocations in the Local Plan.
- It is within a main centre boundary as identified within this Local Plan (Richmond, Twickenham, Teddington, Whitton and East Sheen).
- It is for residential development or a mixed use scheme and within the 400 metre buffer area identified within the Plan or surrounding the centres referred to above.
- Redevelopment of an existing single residential property.
- Conversions and change of use.

6.34 **Policy LP22 (Sustainable Design and Construction)** states that development of 1 dwelling unit or more will be required to complete the Sustainable Construction Checklist which has to be submitted as part of a planning application. Development that results in a new residential dwelling, will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day for homes (including an allowance of 5 litres or less per person per day for external water consumption. For carbon dioxide emissions, new residential development (under 10 units or more) should achieve a 35% reduction.

6.35 **Policy LP34 (Housing)** states that the Borough's target is 3,150 new dwellings between 2015-2025. The St Margaret's area is required to provide between 1,000

and 1,050 new dwellings within this period, along with Twickenham Riverside, North Twickenham, South Twickenham and West Twickenham.

- 6.36 **Policy LP35 (Housing Mix and Standards)** states that states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location. The Policy also requires all new residential development to comply with the Nationally Described Space Standards. 90% of all new build housing is required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% of all new build housing is required to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'.
- 6.37 **Policy LP36 (Affordable Housing)** sets out that for residential developments providing less than 10 units, on land where there is no loss of employment floorspace, a financial contribution will be sought. The affordable housing contribution is based upon the sales value of the properties. The table within the Policy states that the contribution that is likely to be sought would be discounted to represent 20% affordable housing.
- 6.38 **Policy LP39 (Infill, Backland and Backgarden Development)** states that all infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. This includes incorporating or reflecting the materials and detailing on existing dwellings, providing adequate servicing, recycling and refuse storage as well as cycle parking, and result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.
- 6.39 **Policy LP40 (Employment and Local Economy)** states that the Council will support a diverse and strong local economy, where land in employment use should be retained in employment use for business, industrial or storage purposes. In exceptional circumstances, mixed use development proposals which come forward for specific employment sites should retain, and where possible enhance, the level of existing employment floorspace. The inclusion of residential use within mixed use schemes will not be appropriate where it would adversely impact on the continued operation of other established employment uses within that site or on neighbouring sites.
- 6.40 **Policy LP42 (Industrial Land and Business Parks)** states that the borough has a very limited supply of industrial floorspace and demand for this type of land

is high. Therefore, the Council will protect, and where possible enhance, the existing stock of industrial premises to meet local needs. There is a presumption against loss of industrial land in all parts of the borough. Loss of industrial space (outside of the locally important industrial land and business parks) will only be permitted where:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial use completed over a minimum period of two continuous years; and then
2. A sequential approach to redevelopment or change of use is applied as follows:
  - a. Redevelopment for office or alternative employment uses.
  - b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.

6.41 **Policy LP45 (Parking Standards and Servicing)** states that the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land.

6.42 The maximum parking standards set out within the Local Plan states that for sites within PTAL 0-3 (such as the pre-application site), 2no. car parking spaces should be provided for 3+ bed dwellings.

**Emerging Local Plan (Regulation 18 Pre-Publication Draft – December 2021)**

6.43 The emerging local plan will set out policies and guidance for the development of the borough over the next 15 years, from the date of its adoption. The relevant draft policies are set out below.

- 6.44 **Draft Policy 10 (New Housing)** – The Borough’s ten year housing target is 4,110 homes. The Council will exceed the minimum strategic dwelling requirement where this can be achieved in accordance with other Local Plan policies. Over the 10 year period, the St Margarets and North Twickenham area, alongside West Twickenham, will provide an indicative range of dwellings of between 1,100-1,200.
- 6.45 **Draft Policy 11 (Affordable Housing)** – All new housing developments in the borough should provide at least 50% of the total number of habitable rooms as affordable housing on site. A contribution towards affordable housing will be expected on all housing sites. On all former employment sites at least 50% on-site provision will be sought. On sites below the threshold of ‘capable of ten or more units gross’ a financial contribution to the Affordable Housing Fund commensurate with the scale of development, will be sought. Based on the Affordable Housing Contribution Sliding Scale, for new build development where 3no. units are proposed, 15% is required (where there is no loss of former employment floorspace). For units replacing employment floorspace, the requirement would be 30% based on the provision of 3no. units, however as concluded by the Inspector within the appeal ref. APP/L5810/W/21/3268141, the site does not comprise employment floorspace.
- 6.46 **Draft Policy 13 (Housing Mix and Standards)** – Development should generally provide a mix of sizes and types of accommodation. Areas within PTALs 3-6 or within 800m distance of a station or town centre boundary should provide a higher proportion of small units (studios and 1 beds). For market housing, there is a highest demand for 2 and 3 beds. All new housing development are required to comply with the Nationally Described Space Standards. All new housing development should provide adequate external space. At least 10% of all new build housing is required to meet Building Regulation Requirement M4(3) ‘wheelchair user dwellings’ and all other new build housing is required to meet Building Regulation Requirement M4(2) ‘accessible and adaptable dwellings’.
- 6.47 **Draft Policy 15 (Infill and Backland Development)** – Proposals are expected to optimise the potential for housing delivery on all suitable and available brownfield sites. This includes, *inter alia*: Sites with existing or planned public transport access levels (PTALs) 3-6 which are located within 800m distance of a tube/rail station or town centre boundary, and small sites.

6.48 **Draft Policy 16 (Small Sites)** – The Council will support the delivery of the small sites target of 234 new homes per annum. Intensification is encouraged on small sites with good public transport accessibility (PTAL 3-6) and on sites within 8000m of a tube, rail station or Major or District town centre boundary. Proposals for small sites will need to have regard to the existing townscape character, with proposals reflecting the building typology. The Council will support proposals for well-designed new homes on small sites (up to 0.25 hectares). Proposals on small sites are expected to, *inter alia*:

- Demonstrate a character and design-led approach by setting out how the proposed development takes into account the existing context, assessing the site and surrounds for the sensitivity to change;
- Provide high quality living environments with good levels of daylight, sunlight and privacy without adversely impacting on amenity of adjoining residential occupiers;
- Ensure a sensitive integration into the existing streetscene respecting the proportions and spaces of and between existing buildings that are characteristic of the locality;
- Demonstrate how the impact on existing infrastructure, such as transport, has been taken into account;
- Result in no net loss of existing biodiversity;
- Ensure the design, layout and materials respect and respond to the historic environment; and
- Ensure the scale, height, massing, density, proportions, form, materials and detailing are appropriate to the site and its context.

6.49 **Draft Policy 28 (Local Character and Design Quality)** – The Council will require all development to be of high architectural and urban design quality.

6.50 **Draft Policy 29 (Designated Heritage Assets)** – The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to the historic environment of the borough.

- 6.51 **Draft Policy 46 (Amenity and Living Conditions)** – All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.
- 6.52 **Draft Policy 53 (Local Environmental Impacts)** – The Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land.
- 6.53 Consideration of the Development Plan policies, assessed against the application proposals, is provided within the following section.

## 7. PLANNING CONSIDERATIONS

7.1 This section analyses the suitability of the proposed development in the context of local and national planning policy. Starting with the principle, this section demonstrates that the proposed development represents sustainable development which is fully in accordance with the Development Plan and that there are no other material considerations which outweigh the benefits of the scheme.

### **Principle of Development**

7.2 The site was last in use as overflow car parking associated with the St Margaret's Business Centre. The site was recently sold by the business centre as was considered surplus to their requirements. The business centre has no planned expansion plans onto this land, which now forms separate legal ownership from the business centre.

7.3 The site falls outside of the area protected for employment uses as defined by the Local Plan and therefore there is no 'in-principle' presumption against its redevelopment for an alternative use.

7.4 Further, since the construction of the business centre, the site has always been used as overflow car parking and has never been in use for employment purposes (there is no built form on the site). The site is physically separated from the St Margaret's Business Centre (with the gated entrance further to the south west) and excluded from the 'Locally Important Industrial Land and Business Park' planning allocation. The site is also legally separated from the Business Centre as it is within separate independent ownership.

7.5 The Applicant previously submitted an application to provide 4no. dwellings at the site under planning application ref. 20/2664/FUL which was refused in December 2020. The third reason for refusal listed on the Decision Notice (included at **Appendix 2**) related to the loss of ancillary industrial/employment land which was stated as being contrary to Policies LP40 (Employment and Local Economy) and LP42 (Industrial Land and Business Parks) of the Local Plan.

7.6 However, the appeal Inspector found as part of the subsequent appeal (ref. APP/L5810/W/21/3268141) that *"the site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it existing industrial premises. Accordingly, the proposal would not conflict with*

*the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land” (Paragraph 13).*

- 7.7 Therefore, the proposed development is not considered to comprise the loss of any ancillary industrial/employment land and is not contrary to Policies LP40 or LP42.
- 7.8 More appropriately, the site is considered to be an infill site. Policy LP39 (Infill, Backland and Backgarden Development) states that all infill development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. In addition, Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. Draft Policy 15 of the emerging Local Plan also states proposals are expected to optimise the potential for housing delivery on all suitable and available brownfield sites.
- 7.9 The proposed development provides an opportunity to make use of previously developed land which is no longer required in its current use. This accords with Paragraph 120, part (d) of the NPPF which promotes the development of under-utilised sites especially if this would help to meet identified needs for housing and available sites could be used more effectively. In this context, Paragraph 120 specifically identified existing car parks as suitable for development.
- 7.10 With regard to the development of the site for residential dwellings, Policy LP34 (New Housing) states that the Borough’s target is 3,150 new dwellings between 2015-2025. The St Margaret’s area is required to provide between 1,000 and 1,050 new dwellings within this period, along with Twickenham Riverside, North Twickenham, South Twickenham and West Twickenham. Notably, the London Plan significantly increases this target to 4,110 dwellings between 2019/20-2028/29 which is reflected within Draft Policy 10 of the emerging Local Plan.
- 7.11 In addition, Policy H2 (Small Sites) sets out that boroughs should proactively support well-designed new homes on small sites (under 0.25 hectares) in order to significantly increase the contribution of small sites to London’s housing targets. Table 4.2 sets out a 10 year target for net housing completions on small sites as 2,340 (annual requirement of 234 dwellings). The target set out in these Policies



are minimum targets (which have been reflected within Draft Policy 16 of the emerging Local Plan) and therefore boroughs should seek to exceed these targets. The site provides an opportunity to contribute towards the Borough's target for bringing forward residential development on small sites.

- 7.12 The principle of providing residential development in this location is therefore considered to be acceptable.

### **Design and Siting**

- 7.13 The proposed development has sought to address the previous reason for refusal, and the feedback received during the pre-application discussions and Inspector's comments have also been given careful consideration during the design stage of the development.
- 7.14 The proposed development comprises 3no. self-contained residential dwellings. The proposed height of the dwellings accords with the prevailing character of Winchester Road, giving the appearance of modern two storey townhouses with a pitched roof design. A modern appearance has been proposed for the dwellings which was supporting during the pre-application process. The dwellings have also been orientated to face onto Winchester Road, as opposed to Godstone Road as previously proposed under planning application ref. 20/2664/FUL.
- 7.15 The dwellings have been located within the site to assist with the retention of existing trees, and to reflect the terraced 'bookend' layout of the surrounding streets along Winchester Road. The provision of front gardens along Winchester Road will contribute towards a sense of arrival, as well as providing an area for cycle parking and refuse and recycling storage. In addition, the siting of the dwellings allows for each unit to benefit from private rear gardens, as well as a car parking space within the south west of the site along Drummonds Place.
- 7.16 Whilst the application site is not within a Conservation Area, there are two nearby Conservation Areas (Crown Road Conservation Area to the east and Amyand Park Road Conservation Area directly to the south). The design of the dwellings has been carefully considered to ensure that the surrounding Conservation Areas and the character of the local area are respected.
- 7.17 On the basis that the proposed dwellings have been designed to address the reason for refusal as well as comments made by the Inspector and at pre-application stage, the proposals are considered to be acceptable for the site. The

design of the proposed dwellings has been carefully considered and are in accordance with Policy LP1 and LP1 of the Local Plan and draft Policy 28 of the emerging Local Plan.

- 7.18 Full elevations, floor plans, including details of roof design, and CGIs have been submitted in support of this application.

### **Ecology and Trees**

- 7.19 Policy LP15 (Biodiversity) states that the Council will protect and enhance the borough's biodiversity and LP16 (Trees, Woodlands and Landscape) states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance. The Council will resist the loss of trees unless the tree is dead, dying or dangerous, or the tree is causing significant damage to adjacent structures, or the trees has little of no amenity value.
- 7.20 It is acknowledged that the fourth reason for refusal as listed on the Decision Notice for planning application ref. 20/2664/FUL related to the loss of trees / biodiversity, particularly the loss of trees with special amenity value to the local area and in the absence of adequate replacement on-site planting. Notably, the proposals included the loss of all existing trees within the site, yet the Inspector for the subsequent appeal (ref. APP/L5810/W/21/3268141) found that the scheme would not result in any unacceptable effect on biodiversity and thus it was in accordance with Policy LP15 of the Local Plan insofar as it seeks to ensure new habitats or biodiversity features are incorporated into development.
- 7.21 Nonetheless, the design rationale underpinning the proposed development has sought to ensure that the existing trees can be retained, and the associated root protection areas protected during the construction phase of the development. Through the use of design principles to retain as many trees as possible, the proposed development would result in a loss of only 3no trees, with a total of 5no. additional trees to be planted elsewhere within the site.
- 7.22 As set out within the accompanying Arboricultural Impact Assessment, it is acknowledged that while the trees on-site are individually of unremarkable value, as a collective they offer a good degree of tree canopy coverage and greening in the residential setting.

- 7.23 The proposed development includes the removal of 3no. trees, with 5no. trees proposed to be replanted within the site. The three trees proposed for removal include a Category B (“moderate”) hornbeam tree and two Category C (“low”) hornbeam trees.
- 7.24 The Assessment concludes that the tree and their replacement will have a minor effect on the collective value of the trees and will result in a net increase of 2no. trees, the development is considered consistent with local policy. Further, whilst the removal will result in a temporary reduction in canopy cover to part of Winchester Road, this will be re-established and improved as the replacement planting matures.
- 7.25 With respect of the construction stage, tree pruning works are proposed to seven of the retained trees to facilitate the construction stage and the long-term management of the trees. The impact of the pruning work has been assessed and the effects with regard to visual amenity will be localised to the site as opposed to the external street scene.
- 7.26 It is noted that the works set out relate to trees covered by a Tree Preservation Order (ref. T1049 A1) and therefore particular care has been taken during the design stage of the proposals as well as in respect to the proposed works.
- 7.27 The Ecological Impact Assessment concludes that the site is not covered by nor adjacent to any sites that are subject to statutory or non-statutory protection. Eight of the trees onsite were assessed as having negligible potential for roosting bats. As set out above, the proposed development includes the removal of 3no. of the 11no. existing trees to facilitate the dwellings, with the introduction of 5no. new trees. The Assessment concludes that none of the trees which have been identified as having bat roosting potential are to be removed as part of the proposed development.
- 7.28 With respect to the construction phase of the proposed development, specific details of the root protection methods will be set out within a construction environment management plan (CEMP), as well as sensitive working methods be adhered to, which can be secured via condition. The Assessment also sets out that precautionary checks for nesting birds are recommended, which should be carried out by contractors all year.

- 7.29 The Assessment concludes that where adverse impacts on protected species are predicted, it is considered that these can be mitigated for appropriately and that the proposals present the opportunity to incorporate ecological enhancements. This includes creating new habitats and improving opportunities for fauna as well as post-construction enhancements including the installation of bird and bat boxes to increase the nesting and roosting opportunities across the site.
- 7.30 Moreover, the Assessment includes a Biodiversity Net Gain (BNG) assessment which concludes that the proposed development will result in a 4.69% habitat and 191.83% hedgerow unit increase, with an overall increase of 0.01 BGN.
- 7.31 The proposed development is therefore in accordance with Policy LP15 which seeks to enhance the borough's biodiversity, and in addition, with result in a net gain in trees on-site which is considered to comply with this policy.

### **Housing Standards**

- 7.32 The proposed development has been designed to provide a high-quality living standard and will comprise 1 x 3no. bed dwelling, 1 x 4no. bed dwelling, and 1 x 5no. bed dwelling and thus provides a range of "family sized" accommodation.
- 7.33 Policy LP35 (Housing Mix and Standards) states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location. As the proposed development comprises 3, 4, and 5no. bed dwellings, this is considered to be suitable in this "out of town" location as it provides family-sized accommodation in line with Policy LP35.
- 7.34 In addition, Policy LP35 also requires all new residential development to comply with the Nationally Described Space Standards. All of the proposed dwellings exceed the internal space standards requirements and are therefore considered to be acceptable.
- 7.35 Each of the proposed dwellings will also benefit from private amenity space in the form of front and rear gardens which will be provided for each of the dwellings, and which exceeds the minimum standards set out in Policy D6 of the emerging London Plan.
- 7.36 The proposed development has been carefully designed to ensure that a high-quality living standard is provided.

### **Residential Amenity of Neighbouring Properties**

- 7.37 The proposals have been carefully designed to ensure limited impact on the amenity of neighbouring dwellings.
- 7.38 Policy LP39 (Infill, Backland and Backgarden Development) requires infill development to reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. This includes retaining appropriate garden space for adjacent dwellings, resulting in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, providing adequate servicing, recycling and refuse storage, as well as cycle parking, and resulting in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.
- 7.39 The proposed dwellings have been specifically positioned within the site to ensure that the residential amenity of the neighbouring dwellings, No.2 and No.4 Godstone Road, is respected.
- 7.40 The proposed dwellings will be separated from No.2 which is located on the ground floor, and No.4 Godstone Road located above, by the proposed rear gardens of the 3no. dwellings which have been designed to front onto Winchester Road. The rear gardens will result in sufficient separation distance between the existing and proposed dwellings, and in addition, the existing dwellings will also be naturally screened from the proposed development through the presence of existing and proposed trees.
- 7.41 As set out within Page 30 of the Design and Access Statement, the first floor of the proposed dwellings will have 2-4 bedrooms and a family bathroom. Views out of the first floor two rear bedrooms of the middle house will be directed north and south to prevent any overlooking. In addition, the western facing windows will be translucent to prevent overlooking whilst allowing the maximum daylighting of the bedrooms.
- 7.42 The Daylight and Sunlight Assessment also concludes that the proposed development would have an acceptable impact on the skylight and sunlight of neighbouring residential dwellings.
- 7.43 The proposed dwellings have also been designed to ensure align with the massing and form of the existing building along Winchester Road. The proposed development is therefore considered to be acceptable in respect of the impact to

the neighbouring property and the relationship to the surrounding residential dwellings on Winchester Road. The overall height of the proposed buildings will match that of Winchester Road and may appear lower when viewed from the street due to the proposed roofs also sloping away from the street, to minimise their visual impact.

- 7.44 The proposed development is therefore considered to be in keeping with Policy LP39 which seeks to protect the amenity and living conditions of neighbours.

### **Residential Amenity**

- 7.45 The proposals have been carefully designed to a high quality which will provide future occupiers with a high standard of living and private accommodation.
- 7.46 The Daylight and Sunlight Assessment concludes that the proposed habitable rooms achieve the average daylight factors recommended in both summer and winter; this is taking into account the anticipated tree growth over the next 25 years.
- 7.47 The Assessment concludes that all of the proposed habitable rooms receive the recommended percentage of direct skylight, with all proposed kitchen/living areas achieving the Annual Probable Sunlight Hours (APSH) and Winter Probable sunlight hours (WPSH), taking into account anticipated tree growth in over the next 25 years.
- 7.48 In addition, the Assessment sets out that the occupants of each dwelling would have access to a private garden that receives the recommended sunlight levels.
- 7.49 It is therefore considered that the proposed development will accord with the relevant guidance in respect to daylight and sunlight levels, for both existing neighbouring dwellings and future occupants of the proposed dwellings.
- 7.50 In addition, the Noise and Vibration Impact Assessment concludes that the re-radiated noise due to train pass-by would not contribute to the overall airborne noise level experienced within the properties, and that the vibration levels from the train activity are below the threshold of human perception. The proposed mitigation includes a robust glazing specification, with no further mitigation measures being required to protect the proposed habitable spaces from external noise intrusion.

- 7.51 The Noise and Vibration Impact Assessment in relation to the proposed plant to be installed within the front garden areas, concludes that the noise emissions from the proposed plant units would not have an adverse impact on the nearest residential receivers, subject to mitigation which includes a fence / wall to be installed around each unit and the installation of anti-vibration mounts.
- 7.52 The Air Quality Assessment concludes that the development will have no adverse effects on local air quality and does not introduce new exposure within an area of poor air quality, and therefore no additional mitigation is proposed within the site.
- 7.53 Appropriate recycle and refuse storage has been included to serve the proposed dwellings, with each dwelling benefitting from a designated refuse and recycling storage area within the front garden area.
- 7.54 The proposals are considered to have a positive impact on the visual amenity of the street and have been carefully designed to ensure that the future residents benefit from a high quality living standard.

### **Accessibility**

- 7.55 Policy LP35 states that 90% of all new build housing are required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% of all new build housing is required to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'.
- 7.56 All of the proposed dwellings will meet M4(2) accessible and adaptable dwellings. This was previously accepted by the Council as appropriate, as set out within the Officer's Report for planning application ref. 20/2664/FUL. On the basis that the same approach has been taken with the proposed dwellings within this application, this is considered to be acceptable.

### **Highways and Parking**

- 7.57 The application site was last used as overspill car park associated with the adjacent St Margarets Business Centre; however, this was determined to be surplus to requirements and hence it has been sold independently. Each unit within the business centre benefits from sufficient car parking within the forecourt to the front of each unit for use by visitors and staff.

- 7.58 In addition, the loss of the application site as overflow parking will not materially increase parking on nearby residential streets, as they are controlled by existing parking restrictions which any user of the Business Centre would have to adhere to.
- 7.59 Tables 10.2 and 10.3 of the London Plan (March 2021) set out the car and cycle parking standards for residential development. The standards state that for 3+ bed dwellings up to 1 space per unit is the maximum provision, and for cycle spaces, for 2+ beds, 2 long stay spaces are required, with 1 short stay space required every 40 units.
- 7.60 The proposals provide a total of 3no. car parking space accessible from Drummond Place. These spaces are to be demised 1no. space per dwelling which accords with the maximum provision set out within the London Plan.
- 7.61 Local car ownership statistics have been taken into consideration, with the car ownership rate in the local area being assessed as 1.07, i.e. one vehicle per dwelling. As such, the provision of one space per dwelling is considered to accommodate anticipated demand from the development, with no resulting overspill anticipated from the development.
- 7.62 The Transport Statement confirms that the parking provision and proposed access is acceptable for the site and provides suitable provision for the proposed development. The Transport Statement also concludes that the development proposal is considered acceptable in transport and highways terms, can be accommodated within the existing highway infrastructure, and that the cumulative impact would be considered not to be severe.
- 7.63 The surrounding streets are subject to a Controlled Parking Zone. Should planning permission be forthcoming, a Section 106 Agreement could restrict access to parking permits and ensure the proposed residential development does not cause additional any additional parking stress within this area. On this basis, it is considered that providing 1no. car parking space per dwelling is appropriate.
- 7.64 Cycle parking spaces are also proposed in line with the Council's adopted policy which requires, with 2no. cycle spaces provided per dwelling.



### **Affordable Housing**

- 7.65 Policy LP36 (Affordable Housing) sets out that for residential developments providing less than 10 units, a financial contribution will be sought. The affordable housing contribution is based upon the sales value of the properties, albeit the Council will have regard to the economic viability and individual site costs.
- 7.66 As was established as part of the recent planning appeal, the development of this site does not involve the loss of employment floorspace. In accordance with Policy LP36, the affordable housing contribution required for the provision of 3no. units where there is no loss of former employment floorspace is 15%.
- 7.67 In accordance with Policy LP36, should planning permission be forthcoming, a contribution for affordable housing may be sought through a Section 106 agreement. An Affordable Housing Commuted Sum Calculator has been submitted with this application.

### **Flood Risk**

- 7.68 The site is located wholly within Flood Zone 2. Policy LP21 (Flood Risk and Sustainable Drainage) states that development will be guided to areas of lower risk by applying the 'Sequential Test' as set out in national policy guidance, and where necessary, the 'Exception Test' will be applied.
- 7.69 It is acknowledged that the site is wholly within Flood Zone 2 which has a medium risk of flooding, and that the proposals represent a "more vulnerable" use due to comprising residential development. Whilst the site is within Flood Zone 2, this is due to the site's proximity to the River Crave, approx. 0.3km to the east. Notably, according to the Environment Agency Flood Maps, the River Crane benefits from flood defences. A Sequential Test has not been undertaken for this application given the Council's guidance on whether Sequential Tests are necessary to support planning applications, as set out in Policy LP21. The Policy states that a Sequential Test is not required if the proposal is not "major development", and if it is within the 400 metre buffer area surrounding the identified centres of Richmond, Twickenham, Teddington, Whitton and East Sheen.
- 7.70 The development proposals comprise 3 no. residential dwellings which falls below the threshold for "major development". The site lies marginally outside of the Twickenham Town Centre buffer, although is still within close proximity to the

centre and given the River Crane benefits from flood defences, a Sequential Test is not considered to be necessary. Further, a Sequential Test has not been requested as part of pre-application discussions.

- 7.71 The Flood Risk Assessment and Drainage Strategy Report has assessed the site and set out recommended mitigation. The Assessment states that the residual risk of flooding to the site can be effectively managed by setting the proposed buildings ground floor levels above the predicted flood level of 6.34mAOD for the 0.1%AEP.
- 7.72 In addition, a combination of water butts and pervious pavements are assessed as being the most appropriate destination for the disposal of surface water runoff from the development.
- 7.73 The proposed surface water strategy for the development would ensure that flows are restricted to a maximum allowable discharge rate of 1.7l/s for all analysed rainfall events up to and including the 1 in 100 year return period with 40% allowance or climate change. The systems would also provide sufficient capacity for excess runoff to be stored and attenuated on site for all rainfall events up to and including the 1 in 100 year storm return period with 40% allowance for climate change.
- 7.74 The Flood Risk Assessment and Drainage Report concludes that the development can be occupied and operated safely and that there will be no increase in the level of flood risk to the site or neighbouring sites because of the development.

### **Energy and Sustainability**

- 7.75 Policy LP22 (Sustainable Design and Construction) sets out that new residential development will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day for homes (including an allowance of 5 litres or less per person per day for external water consumption. For carbon dioxide emissions, new residential development (under 10 units or more) should achieve a 35% reduction.
- 7.76 The Energy Statement states that the proposed development would adopt a fabric-first approach and would be constructed in accordance with the energy hierarchy. The Statement estimates that energy efficiency measures would enable the dwellings to achieve an 8 percent reduction in CO2 emissions beyond the baseline emissions. It is proposed that individual air source heat pumps are

installed in each of the dwellings to provide space heating and hot water and provide a further 56% reduction in CO2 emissions. It is estimated that a combination of energy efficiency measures and the installation of heat pumps would enable the proposed dwellings to achieve a 64 percent on-site reduction in CO2 emissions.

- 7.77 In addition, the Sustainability Statement concludes that the proposed development is considered to be a good example of a sustainable development and would have a positive economic, social, and environmental impact.
- 7.78 Policy LP22 also states that development of 1 dwelling unit or more will be required to complete the Sustainable Construction Checklist which has to be submitted as part of a planning application. A Sustainable Construction Checklist has been submitted with this application to meet this requirement, which is included within Appendix A of the Sustainability Statement.

### **Contaminated Land**

- 7.79 Policy LP10 (Local Environmental Impacts, Pollution and Land Contamination) states that the Council promotes, where necessary, the remediation of contaminated land where development comes forward and that local environmental impacts of proposed development does not lead to detrimental effects on the health, safety and amenity of existing and new users or occupiers of the development site. This includes potential impacts relating to land contamination.
- 7.80 A Phase 1 Contamination Survey has been completed which has identified that there is potential for contamination due to the site's historic use. Further site investigation through a Phase 2 Survey can be secured by way of condition should planning permission be forthcoming.

### **Heritage**

- 7.81 Policy LP3 (Designated Heritage Asset) states that all proposals in Conservation Areas are required to preserve and, where possible, enhance the character or the appearance of the Conservation Area. Draft Policy 29 of the emerging Local Plan sets out that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to the historic environment of the borough.

- 7.82 The application is supported by a Heritage Statement which concludes that the application site is currently considered to make a neutral contribution to the significance of the Amyand Park Road Conservation Area through setting and is not considered to contribute to the significance of the Crown Road Conservation Area through setting.
- 7.83 The report concludes that the proposals will not result in any negative impacts on the setting of the Amyand Park Road Conservation Area and will result in no harm to the significance of the Conservation Area through a change in setting.

## **8. CONCLUSION**

- 8.1 The proposal seeks the erection of 3 no. residential dwellings at the Car Park at St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS. The proposed development also includes associated landscaping, car parking, and access.
- 8.2 The proposed development has been designed to overcome the previous reasons for refusal under planning application ref. 20/2664/FUL, with the proposals being reduced from 4no. dwellings to 3no. dwellings, and the proposed retention of 8no. existing trees compared to the previous proposal which sought to remove all existing trees to facilitate the proposals.
- 8.3 The development proposal provides an opportunity to make efficient use of this brownfield site and develop high quality housing which will contribute towards the London Borough of Richmond's housing needs.
- 8.4 For the reasons set out above, it is considered that this proposal accords with both national and local policies. As such, it is concluded that the proposal is acceptable in planning terms. Therefore, in the context of the presumption in favour of sustainable development, and Paragraph 11 of the NPPF, this proposal should be approved without delay.

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**APPENDIX 1**

**DECISION NOTICE FOR PLANNING  
PERMISSION REF. 20/2664/FUL**

Henry Courtier  
Pegasus Group  
10 Albemarle Street  
London  
W1S 4HH

Letter Printed 22 December 2020

**FOR DECISION DATED**  
22 December 2020

Dear Sir/Madam

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

**Application:** 20/2664/FUL  
**Your ref:** P20-0414 St Margarets Car Par...  
**Our ref:** DC/TFA/20/2664/FUL  
**Applicant:** c/o Agent  
**Agent:** Henry Courtier

**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 **25 September 2020** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**Car Park At St Margarets Business Centre Godstone Road Twickenham**

for

**Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).**

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 **REFUSED** subject to the reasons and informatives summarised and listed on the attached schedule.

Yours faithfully



Robert Angus

Head of Development Management



# SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 20/2664/FUL

## APPLICANT NAME

c/o Agent  
C/o Agent

## AGENT NAME

Henry Courtier  
10 Albemarle Street  
London  
W1S 4HH

## SITE

Car Park At St Margarets Business Centre Godstone Road Twickenham

## PROPOSAL

Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

## SUMMARY OF REASONS AND INFORMATIVES

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### REASONS

U0092367	Character & Design
U0092368	Parking/Highways
U0092371	Loss of ancillary industrial/employment
U0092370	Loss of trees/biodiversity
U0092369	Affordable housing

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### INFORMATIVES

U0047852	Decision drawings
U0047851	NPPF REFUSAL- Para. 38-42

## DETAILED REASONS AND INFORMATIVES

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### DETAILED REASONS

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#### **U0092367 Character & Design**

The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. The proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).

#### **U0092368 Parking/Highways**

In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4 no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore contrary, in particular, to policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).

#### **U0092371 Loss of ancillary industrial/employment**

The proposal would result in the complete loss of existing ancillary industrial land and without adequate replacement land or a marketing exercise in accordance with Appendix 5 of the Local Plan to demonstrate there is no longer any demand for such land, this would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and Economy Study (2015), and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012).

#### **U0092370 Loss of trees/biodiversity**

Due to the loss of trees with special amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment and is thereby detrimental to the street scenes. This is contrary to, in particular, Policies LP1, LP15 and LP16 of the Local Plan (2018).

#### **U0092369 Affordable housing**

The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to Policy LP36 of the Local Plan (2018) and adopted Supplementary Planning Guidance 'Affordable Housing'.

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### DETAILED INFORMATIVES

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#### **U0047852 Decision drawings**

For the avoidance of doubt the Drawing(s) No(s) and Detail(s) to which this decision refers are as follows:-

P-001C, P-002A, P-003A, P-004A; received 25 September 2020.

#### **U0047851 NPPF REFUSAL- Para. 38-42**

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 applicants sought formal pre-application advice, however, this was not followed and the scheme remained contrary to policy and guidance, and therefore refused without delay.

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION  
20/2664/FUL

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# **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](http://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](http://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](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto: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](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto: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

**APPENDIX 2**

**APPEAL DECISION NOTICE REF.  
APP/L5810/W/3268141**



# Appeal Decision

Site Visit made on 13 July 2021

**by Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 September 2021**

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**Appeal Ref: APP/L5810/W/21/3268141**

**Car Park at St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Godstone Developments Limited against the decision of Richmond Upon Thames London Borough Council.
  - The application 20/2664/FUL, dated 22 September 2020, was refused by notice dated 22 December 2020.
  - The development proposed is the erection of 4no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.
3. Since the planning application was determined the London Plan 2021 has been adopted. The Council has had the opportunity to comment on this in its appeal statement. Subsequently, given the change to parking provision requirements as contained within the most recently adopted London Plan, the Council is satisfied that sufficient parking provision is made within the scheme and as such removes its objection on this matter. I have no reason to disagree with this position and as such do not refer to parking provision in the main issues below.

## Main Issues

4. The main issues raised are:
  - i) The effect on the character and appearance of the area, including the effect of the removal of protected trees,
  - ii) The effect on biodiversity,
  - iii) Whether the scheme would result in the unjustified loss of ancillary industrial land, and

- iv) Whether the scheme makes adequate provision for a contribution towards affordable housing.

## **Reasons**

### *Character and appearance*

5. The appeal site lies at the end of a linear arrangement of semi-detached properties, which are a defining characteristic of the local area. The area is characterised by the appearance of these semi-detached units along roads, as well as to the rear of properties well-defined two-storey projecting elements which are set in from the gable ends of pairs of properties. This arrangement is clearly visible from vantage points in the surrounding area, including where perpendicular terraces meet. However, it was most apparent from elevated views afforded from the bridge across the adjacent railway line.
6. In contrast to this, the rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings. Consequently, the rear of the proposed development would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that would fail to integrate appropriately with the surrounding development.
7. The proposed building would be viewed as an overly bulky feature within the context of the surrounding townscape, and this would be appreciable from the adjacent road and would be a particularly unsympathetic feature when viewed from the elevated railway bridge. Thus, the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity.
8. Moreover, the proposed development would result in the loss of all but one of the existing trees within the site. Some of these are large specimens and all are the subject of a Tree Preservation Order. Within the context of the densely arranged urban grain of surrounding development, the presence of the trees provides a welcome relief from built form within the streetscape. While it has been identified within the submitted Arboricultural assessment that the trees are individually of moderate or low value, I find that the collective value of the trees as a group is substantial and that they comprise an attractive cluster of trees, making a positive contribution to the appearance of the street. The loss of the trees, notwithstanding the proposals for replacement planting elsewhere, would substantially degrade the quality of the streetscene at this location. The inclusion of some replacement trees within the proposed scheme would do little to ameliorate this impact, given that the size and number would not be comparable to the existing specimens.
9. Consequently, for the reasons given above, I find that the proposal would be harmful to the character and appearance of the area, including the loss of protected trees, contrary to Policies LP1, LP15 and LP16 of the London Borough of Richmond Upon Thames Local Plan (the Local Plan). Together, and amongst other things, these policies seek to ensure that development contributes to the local environment and character, as well as protecting existing trees that are of amenity value.



### *Biodiversity*

10. The ecological assessment submitted in support of the planning application identifies that the site has some importance in terms of supporting biodiversity, predominantly as foraging and commuting habitat. While the scheme would result in the loss of this, given the location of vegetation lining the nearby railway line, an appropriate landscaping scheme secured by planning condition could ensure that sufficient habitat replacement is incorporated into the development. In this respect, I find that the scheme would not result in any unacceptable effect on biodiversity and thus it accords with policy LP15 of the Local Plan insofar as it seeks to ensure new habitats or biodiversity features are incorporated into development.

### *Loss of ancillary industrial land*

11. The appeal site comprises an area of car parking, near to St Margarets Business Centre. While there is a proximity to this employment site, the area is visually distinct from it and this separation is reinforced by the presence of a gated access to the employment site, which the appeal site lies outside of.
12. I note that the Council contend that the site comprises an ancillary use to the industrial use within the employment site. However, there is nothing before me that convinces me that the use of the appeal site is inextricably linked to the use of the adjacent commercial premises. Furthermore, I note that the site lies outside of the area that is designated within the Local Plan as Locally Important Industrial Land and Business Parks. There is no floorspace provision within the site, through the presence of any buildings, and the location appears independent from the employment site.
13. As such, I find that the site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it existing industrial premises. Accordingly, the proposal would not conflict with the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land.

### *Affordable housing*

14. Policy LP36 of the Local Plan seeks that a contribution towards the provision of affordable housing be sought on all housing sites unless economic viability considerations indicate otherwise. However, paragraph 64 of the National Planning Policy Framework outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
15. The Council highlight local evidence of affordable housing need is substantial and that high levels of need are evidenced in a recent Housing and Homelessness Strategy. It is also stated that the Council is reliant on contributions from small sites in order to meet affordable housing policy objectives. These matters weigh significantly in favour of seeking a contribution towards affordable housing. The appellant has not disputed these matters.
16. Having regard to this information therefore, I consider that the specific circumstances within this borough together with the policy of the development plan are sufficient, in this case, to outweigh the guidance of the Framework. This is consistent with the approach taken by Inspectors in the appeal decisions referenced by the Council.

17. On sites of less than 10 units, the policy sets out a sliding scale for the contributions required, based on the number of units being delivered. In this instance, with four units being proposed, for new build development a financial contribution which equates to 20% provision is set out within policy. However, the Council contend that the appropriate contribution would be a 40% contribution for units replacing employment floorspace.
18. I am conscious that the policy specifically refers to the replacement of employment floorspace, which as I have set out above, the appeal site does not comprise. Furthermore, as I have also found that the appeal site does not comprise an employment site, the contribution in respect of new build development, i.e., 20%, would be appropriate. The appellant has submitted a completed Unilateral Undertaking (UU), securing the payment of this contribution towards affordable housing. The Council has confirmed that the UU is acceptable. On this basis, I find that the scheme would make the appropriate contribution towards affordable housing and thus complies with policy 36 of the Local Plan which seeks that a contribution towards the provision of affordable housing be sought on all housing sites, unless economic viability considerations indicate otherwise.

### **Other Matters**

19. I acknowledge that the development would result in the delivery of new housing, including contributing towards affordable housing, with positive social and economic benefits. There would also be benefits in terms of the use of previously developed land. However, these benefits are not sufficient to outweigh the harm that I have identified.

### **Conclusion**

20. While I find that there would be no inappropriate loss of industrial floorspace, that the scheme would make adequate provision towards affordable housing, and no harm to biodiversity, there would be harmful effects on the character and appearance of the area, which includes the loss of important, protected trees. This harm is decisive.
21. For the reasons given above I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR

**APPENDIX 3**

**PRE-APPLICATION WRITTEN  
RESPONSE REF.  
21/P0372/PREAPP**

**Environment Directorate**

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](mailto:envprotection@richmond.gov.uk)  
website: [www.richmond.gov.uk](http://www.richmond.gov.uk)

Our ref: 21/P0372/PREAPP

Henry Courtier and Beth Lambourne  
Pegasus Group  
[beth.lambourne@pegasusgroup.co.uk](mailto:beth.lambourne@pegasusgroup.co.uk)

Contact: Thomas Faherty  
[Thomas.faherty@richmondandwandsworth.gov.uk](mailto:Thomas.faherty@richmondandwandsworth.gov.uk)

Date: 11 January 2022

**BY EMAIL ONLY**

Dear Henry and Beth,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**LOCATION: ST MARGARETS BUSINESS CENTRE, MOOR MEAD ROAD,  
TWICKENHAM**

**PROPOSAL: RESIDENTIAL DEVELOPMENT**

I write in reference to your pre-application scheme received at the Local Planning Authority (LPA) on 19 October 2021. On the basis of this information I have the following comments to make.

**Site & Surroundings**

St Margarets Business Centre is located in St Margarets and East Twickenham Village within a protected view from Ham House to Orleans House. The site can be accessed from Drummonds Place which is located on the southern edge of the site. It is currently a wholly industrial site consisting of 7 industrial units constructed in 1988 and has been designated as a Locally Important Industrial Land and Business Park in the Local Plan. The scheme relates to the eastern side of the site which currently consists of a parking area associated with the use of the industrial site and falls outside the designation.

The site is not statutorily or locally listed and does not fall within a Conservation Area. However, the site does fall within the Flood Zone 2 and is potentially contaminated due to past Industrial Land Use. It is also noted to be within the St Margarets Village Character Area.

**Planning History**

20/2664/FUL – Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees) – Refused 21/12/2020 for the following reasons:

1. Character & Design – The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. The proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).
2. Parking/Highways – In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4 no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore contrary, in particular, to policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).
3. Affordable housing – The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to Policy LP36 of the Local Plan (2018) and adopted Supplementary Planning Guidance 'Affordable Housing'.
4. Loss of trees/biodiversity – Due to the loss of trees with special amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment and is thereby detrimental to the street scenes. This is contrary to, in particular, Policies LP1, LP15 and LP16 of the Local Plan (2018).
5. Loss of ancillary industrial/employment – The proposal would result in the complete loss of existing ancillary industrial land and without adequate replacement land or a marketing exercise in accordance with Appendix 5 of the Local Plan to demonstrate there is no longer any demand for such land, this would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and Economy Study (2015), and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012).

The application was then appealed (ref. APP/L5810/W/21/3268141) and the Council's decision was upheld due to the effect on the character and appearance of the area, including the effect of the removal of protected trees.

86/0975 – Release of Condition 56 attached to town planning consent no. 82/0457 (Restriction on working hours) – Refused 22.07.1986.

86/0689 – Release of condition (j) attached to consent 82/457 to allow the use of the two adjacent units by one occupant – Approved 08.08.1986

### **Relevant policies**

The following local planning policies and supplementary documents would generally apply when assessing such an application.

National Planning Policy Framework (NPPF) (2021)

London Plan (2021)

### Local Plan (2018):

LP 1 – Local Character and Design Quality  
LP 8 – Amenity and Living Conditions  
LP10 – Local Environmental Impacts, Pollution and Land Contamination  
LP15 – Biodiversity  
LP16 – Trees, Woodlands and Landscape  
LP 20 – Climate Change Adaptation  
LP 21 – Flood Risk and Sustainable Drainage  
LP 22 – Sustainable Design and Construction  
LP 24 – Waste Management  
LP 34 – New Housing  
LP 35 – Housing Mix and Standards  
LP 36 – Affordable Housing  
LP 39 – Infill, Backland and Backgarden Development  
LP 40 – Employment and Local Economy  
LP 42 – Industrial Land and Business Parks  
LP 44 – Sustainable Travel Choices  
LP 45 – Parking Standards and Servicing

### Supplementary Planning Guidance:

Design Quality SPD  
Planning Obligation Strategy SPD  
Residential Development Standards SPD (Incorporating Nationally Described Space Standards)

All local policies and documents referred to in this letter are available to view on Council's website ([www.richmond.gov.uk](http://www.richmond.gov.uk)).

### **Planning Assessment**

Key planning considerations with any potential application

- Principle of Development;
- Housing Standards;
- Design and Siting;
- Sustainability;
- Highways, Parking & Refuse;
- Residential Amenity of Neighbouring Properties;
- Affordable Housing;
- Flood Risk & Sustainable Drainage;
- Land Contamination;
- Ecology & Trees
- Air Quality

### **Principle of Development**

Although loss of employment/industrial land formed one of the reasons for refusal in the previous application (20/2664/FUL), this reason was not upheld by the Inspector. Therefore,

the Council raises no further concerns with regard to the principle of redeveloping the site to residential.

### **Housing standards**

#### Housing mix

Policy LP35(A) states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location. All of the proposed units would be fairly expansive in their size, and would appear to incorporate at least 3 bedrooms. As such the Council are satisfied that these units would provide appropriate family-sized accommodation in line with the interests of Policy LP 35(A) of the Local Plan.

#### Internal space standards

*Policy LP35 requires that all new housing complies with the Nationally Described Space Standards (NDSS). The minimum standards are outlined below:*

- *A double bedroom should be 11.5sqm and 2.75m wide*
- *Head height should be at least 2.3m for a minimum of 75% of the gross internal floor area (However please note the London Plan suggests a minimum head height of 2.5m for new dwellings within London to mitigate the 'heat island' effect)*
- *Suitable storage space to be incorporated into units*
- *Communal gardens to be sheltered from roads and not overlooked from habitable rooms.*

**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	

The proposed drawings do not provide the above detail, and you are advised the proposed units will need to comply with the above NDSS table. In addition, the floor to ceiling height and minimum room sizes in the final scheme will need to fully comply with the minimum standards. A residential standards compliance statement will need to be submitted with any future submission to demonstrate full compliance. Any shortfall will not be supported.

#### External amenity space

*The requirements of Policy LP35 and the Residential Development Standards SPD continue to apply to external amenity space. For flats a minimum of 5sqm of private outdoor space for 1-2 person dwellings should be provided and an extra 1sqm should be provided for each additional occupant.*

*Policy LP35 states that amenity spaces should be:*

- a. private, usable, functional and safe;*
- b. easily accessible from living areas;*
- c. orientated to take account of need for sunlight and shading;*
- d. of a sufficient size to meet the needs of the likely number of occupiers; and*
- e. accommodation likely to be occupied by families with young children should have direct and easy access to adequate private amenity space.*

Amenity space standards are not specified for houses within the above standards. However west facing rear gardens are located to the rear of each proposed dwelling which appears acceptable. No objection is therefore raised in relation to this part of the scheme, and it is likely to comply with Policy LP35.

#### Inclusive Access

Since 1 October 2015, 90% of new housing in a development is expected to meet Building Regulation Requirement M4(2) 'accessible and acceptable dwellings' and 10% is expected to meet Building Regulation Requirement M4(3) 'wheelchair-user dwellings'. This is set out in Policy LP35(E). Both M4(2) and M4(3) require step-free access, the use of wheel chair lifts to provide access to upper floors may also be required for multi-storey development proposals.

Should a subsequent application be submitted, it is expected that this will comply with the above provisions to provide accessible designs for each dwelling. The Council would also impose a planning condition to ensure that specified units will meet the appropriate Building Regulation Requirements.

#### Amenity of future occupants

It is considered that the fenestration associated with all of the units would provide prospective occupants with an adequate amount of outlook, daylight and ventilation which is acceptable.

#### Design and Siting

*The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments. Whilst it states that LPAs should not impose architectural styles or particular tastes, it reinforces that it is important to consider local character and distinctiveness.*

*Local Plan Policy LP1 states new development must be of a high architectural quality based on sustainable design principles. Development must respect local character and contribute*



*positively to its surrounding based on a thorough understanding of the site and its context. In addressing design quality, the Council will have regards to the following:*

- *Compatibility with local character including relationship with existing townscape and frontages, scale, height, massing, proportions and form*
- *Sustainable development and adaptability, subject to aesthetic considerations*
- *Layout and access*
- *Space between buildings and relationship to the public realm*
- *Detailing and material*

*The Council does not wish to encourage a particular architectural style or approach but expects each scheme to be justified as a result of a sound understanding of the site and its context. The Council will generally be opposed to any development or re-development that will be out of scale with existing surrounding development. The policy is intended to encourage analysis and sympathy with existing layout and massing, while respecting important historical styles.*

Within the Local Plan Policy LP 39 states in (A) that “*All infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. In considering applications...the following factors should be addressed [inter alia]:*

1. *Retain plots of sufficient width for adequate separation between dwellings;*
2. *Retain similar spacing between new buildings to any established spacing;*
4. *Respect the local context, in accordance with policy LP 2 Building Heights;*
5. *Enhance the street frontage (where applicable) taking account of local character;*
6. *Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;*
8. *Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;*
9. *Provide adequate servicing, recycling and refuse storage as well as cycle parking;*
10. *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.”*

The site largely comprises hardstanding with substantial boundary trees and vegetation used for vehicle parking associated with the St Margaret’s Business Centre. The existing car park site surrounded by trees has been the subject of an appeal where the design and loss of trees was criticised.

Although only a concept design at this stage, the current outline proposal is considered an improvement over the previous scheme, where it is proposed to retain most of the existing trees, and proposing 3 rather than 4 houses in a contemporary design. The Council’s Urban Design Officer reviewed the proposal and that the concept appears broadly acceptable subject to further design development, in a distinctive modern design but of a scale related to the location, aligned with Winchester Road. The oriel windows provide an individual character and feed into the modern design concept. The very large skylights may be an issue as they may appear rather dominant visually. In addition, the overall height, eaves and ridge, and scale of the development will need to relate to neighbouring properties and while not fully clear on the submitted drawings, the development does appear to be needing to be reduced in mass and eased further away from site boundaries and trees .

Information provided with regard to the facing materials and detailed design of the dwellings will be required in the submission of a future planning application.

### **Sustainability**

On the basis that information in relation to the sustainability performance of the development has not been provided as part of this pre-application, the Council are unable to establish if the proposed development would accord with policies LP 20 and LP 22 of the Local Plan.

The applicant is advised that should the proposed redevelopment be considered acceptable; the scheme would be required to comply with the following:

- Conform to the Sustainable Construction Checklist SPG, with the development achieving a satisfactory Sustainable Construction Checklist score.
- Achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.
- Achieve a minimum 35% reduction in carbon dioxide emissions over Building Regulations 2013.
- Achieve zero carbon standards in line with London Plan Policy.
- Achieve 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.
- Be connected to a decentralised energy network (where feasible)
- Green roof/green wall to be provided in line with Policy LP17

You are advised that a subsequent application would need to be accompanied with a completed Sustainable Construction Checklist and Energy Statement to demonstrate compliance with the above. Should the proposal fail to comply with the above standards then evidence would need to be provided to justify departure from these sustainability requirements.

### **Highway, Parking and Refuse**

#### **Car Parking**

*Local Plan Policy LP45 states that new development should provide appropriate cycle access and sufficient, secure cycle parking facilities. In accordance with the London Plan, the minimum cycle parking requirement for 1-bed units is one space, with two spaces required for all other dwellings.*

*In accordance with policy LP45 developments and redevelopments have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. For developments in areas with a PTAL of 0-3; 1-2 bedroom dwellings are required to provide 1 no. off-street parking space, and 3 bedroom dwellings are required to provide 2 no. off-street parking spaces as set out within appendix 3 of the Local Plan. Whilst the Council's parking standards are set to a maximum, these standards are expected to be met unless it can be shown there would be no adverse impact on the area in terms of street-scene or on-street parking. This is reiterated in the parking standards set out in the London Plan which specifies that in outer London areas with low PTAL, borough should consider higher levels of provisions, especially to address overspill parking pressures.*

The proposal is for 3 x residential dwellings, and the site has a PTAL of 2 and is within the controlled parking zone of St. Margaret's South, which operates from 10.00-16.30, Monday – Friday. The London Plan sets out a maximum of 1 space per family sized unit in this location, and in accordance with the Local Plan the maximum should normally be met.

The proposal attempts to meet these standards by including one inset parallel parking bay on the northern side of Drummond Place, and 2 x perpendicular bays south-west of the site. The Council's Transport Officer reviewed the scheme and advised the two perpendicular bays would not be acceptable because there is a carriageway width of only 4.2m south of them. The minimum aisle width to allow a motorist to manoeuvre safely into or out of a perpendicular space is 6m. The proposed parallel bay would obstruct the footway into the industrial park south-west of the site.

As such it is recommended for the proposed development to be car-free. Although the PTAL is only 2, this is mainly because St. Margaret's Station is on a branch line. The site is within 327m of a bus stop served by 10 bus trips per hour and is a reasonable walking distance to St. Margaret's Town Centre. Therefore, subject to all occupants being excluded from obtaining vehicular parking permits within the CPZ, the Council would have no objection to this being car-free as per Local Plan Policy LP45, Para. 3c.

### Construction

A Construction Method Statement will need to be submitted under any future application. This will need to address the impact on neighbouring properties including noise and disturbance, harm to any trees and their properties, and access to the site for construction vehicles, along with construction times.

You should be aware that construction traffic has a disproportionate impact on a street, and you are therefore advised to carry out meaningful consultation with neighbours on the CMS proposals.

### Cycle parking

Policy LP 44 of the Local Plan seeks the provision of appropriate cycle access whilst Policy LP 45 of the Local Plan advocates that development proposals should make for the provision of sufficient and secure cycle parking facilities.

6 cycle parking spaces will be required for the development in accordance with Council policies (2 per dwelling).

### Refuse and waste

Policy LP24 of the Local Plan, the Council's Residential Development Standards SPD and the Council's Refuse and Recycling Storage SPD require that secure storage be provided on-site for refuse and recycling bins. Details of refuse storage for the new development will be required under any future planning application submitted to the Council. Specific details are typically conditioned in order to safeguard the appearance of the surrounding locality and residential amenity of neighbouring occupiers and to ensure compliance with Policy LP24 and the Refuse and Recycling Storage Requirements SPD. Refuse stores will need to be sited away from the front elevation to preserve visual amenity of the locality.

## **Residential Amenity of Neighbouring Properties**

*Policy LP8 state in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.*

*1. ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible;*

*4. Ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure;*

*5. Ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.*

The main properties to consider in relation to this proposal will be 2 Godstone Road to the west, 98 and 99 Winchester Road to the east, and 96 Winchester Road and 1 Godstone Road to the north.

The proposal only involves indicative sketches, and the impact of the development on neighbouring amenity cannot be fully assessed until accurate drawings have been submitted.

Policy LP8 of the Local Plan advises that a minimum distance of 20m between habitable rooms within separate developments should be achieved in order to maintain privacy, or 13.5m for non-habitable rooms. The rear facing windows will need to be assessed in terms of potential overlooking of No. 2 Godstone Road which appears too close. The existing large boundary wall and existing vegetation may mitigate this impact somewhat, but you are advised to submit an assessment including line of sight drawings to assist with the Council's review of this potential impact.

A light assessment is also recommended to assess the impact on any habitable room windows to neighbouring properties.

## **Affordable Housing**

*Local Plan Policy LP36 states some form of affordable housing contribution will be expected on all new housing sites. The Council will seek the maximum reasonable amount of affordable housing when negotiating on private residential schemes, further details are set out in the Affordable Housing SPD, having regard to the strategic borough-wide target and the individual circumstances of the site, in accordance with LP36 as adopted 3rd July 2018.*

The appellant submitted a completed Unilateral Undertaking (UU) as part of the previous appeal, securing the payment of this contribution towards affordable housing. While the Council contended that the appropriate contribution would be a 40% contribution for units

replacing employment floorspace, the Inspector did not consider that the application represented loss of commercial space and therefore the contribution at 20% was accepted.

You will need to submit a proforma at Annex A to the SPD for the new proposal, which can be calculated at 20%. This would need to be secured via a s106 legal agreement.

### **Flood Risk & Sustainable Drainage**

Policy LP 21 of the Local Plan advocates that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The car park site is located within the Flood Zone 2, which indicates a moderate probability of flooding. A detailed flood report commensurate to the scale of the development will be required to justify the location and include any mitigation which may be required.

According to the Council's Interactive Flood Maps, the site is an area susceptible to groundwater flooding (75% risk or more). The proposal involves new houses and associated hard surfacing. As such, surface water run-off volumes and rates could change and in accordance with the Council's SFRA (2021), you must submit a surface water drainage strategy (SUDS) which shows that the proposed surface water drainage system will be compliant with guidance set out in the NPPF, will be able to withstand a 1 in 100 year surface water flood event, and will show that there will be no additional surface water drainage into the adopted highway. Please see the link below for more guidance:

[https://www.richmond.gov.uk/services/planning/sustainable\\_drainage\\_systems](https://www.richmond.gov.uk/services/planning/sustainable_drainage_systems).

Furthermore, the development will need to be screened for groundwater flooding risk as set out in table 6-2, page 32 of the SFRA – refer to heading Groundwater and Throughflow Flooding.

### **Land contamination**

*Policy LP10 notes that the Council promotes, where necessary, the remediation of contaminated land where development comes forward. Potential contamination risks will need to be properly considered and adequately mitigated before development proceeds.*

Council's Environmental Health Officer reviewed the application and advised that Council records indicate that the site and surrounding area has been subject to former potentially contaminative land uses. It is therefore recommended that a contamination report is submitted under any future application. Should the application be considered acceptable, a condition requiring the remediation of the land may be required.

### **Ecology and trees**

*Policy LP15 Biodiversity states that the Council will protect and enhance the Borough's biodiversity, and in particular the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. Council will resist the loss of trees which are of value and encourage new high-quality landscaping and planting which reflects the surrounding environment.*

*Policy LP16 states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees.*

As noted above, the previous scheme was refused due to the loss of trees, and this was upheld by the Inspector. The revised proposal involves the retention of most of the trees but does require the removal of T1. The Council's Tree Officer reviewed the proposed scheme and noted T10 also appears too close to the east facing window of plot 1 for sustainable retention. Given the protected status of these trees the Council would require a community financial contribution for these trees in line with CAVAT, as per Policy LP 16.

The proposed root protection areas will need to be modified as per BS5837:2012 recommendations as they are unlikely to be circular in morphology. Trial excavations could be utilised if this was advantageous to the developer. The Council would typically expect this to be undertaken under arboricultural supervision using an air spade and the smallest practical narrow trench. Incursions into root protection areas (RPA) must be less than the 20% recommended by BS5837:2012 including all hardstanding, outbuildings etc.

You will need to demonstrate that the juxtaposition between buildings and especially habitable rooms and amenity garden space is sustainable, taking into consideration the ultimate size of the trees and reasonable daylight/sunlight hours. Some concerns are raised around the proximity and pressure to prune trees in the future. The Council has previously asked for other applications to show projected canopy sizes over 25 and 50 years and would ask for consideration akin to this.

There is potential for additional/mitigation trees to be planted within the highway in Winchester road, but the presence of services may be a constraint. An early utility search could demonstrate some outline feasibility commitment to the plausibility of this space. The replacement for T7 has the potential to be a feature tree for the site.

The Council would support a management plan for the trees being submitted with any application, as this would clearly demonstrate a commitment to management of the trees and be transparent. There is a need to provide some screening between the windows of 2 Godstone Road and the proposal and other greening options may be available.

The revised scheme has the potential to retain trees whilst providing some opportunity for development, however the above comments will need to be considered carefully as part of any future application. You are recommended to carry out independent local consultation on future proposals, including the Friends of Moormead Park, local councillors and residents of Winchester Road.

The future scheme will also be expected to provide an ecology report and incorporate ecological enhancement measures to satisfy Policy LP15.

## **Air Quality**

Section B of Policy LP10 states that the Council promotes good air quality design and new technologies. Developers should secure at least 'Emissions Neutral' development. To consider the impact of introducing new developments in areas already subject to poor air quality, the following will be required:

1. an air quality impact assessment, including where necessary, modelled data;
2. mitigation measures to reduce the development's impact upon air quality, including the type of equipment installed, thermal insulation and ducting abatement technology;
3. measures to protect the occupiers of new developments from existing sources;
4. strict mitigation for developments to be used by sensitive receptors such as schools, hospitals and care homes in areas of existing poor air quality; this also applies to proposals close to developments used by sensitive receptors.

As per the previous application, an Air Quality Assessment will need to be submitted to demonstrate that the development will have no adverse effects on local air quality and does not introduce new exposure within an area of poor air quality.

## **Conclusion**

The Council's previous decision was upheld due to the effect on the character and appearance of the area, including the effect of the removal of protected trees. Therefore, these matters formed the primary points of discussion during the pre-application meeting.

In relation to trees, T10 appears too close to the east facing window of plot 1 for sustainable retention. Given the protected status of these trees the Council would require a community financial contribution for these trees in line with CAVAT. The proposed root protection areas will need to be modified as per BS5837:2012 recommendations as they are unlikely to be circular in morphology. Trial excavations could be utilised if this was advantageous to the developer. You will need to demonstrate that the juxtaposition between buildings and especially habitable rooms and amenity garden space is sustainable, taking into consideration the ultimate size of the trees and reasonable daylight/sunlight hours. A management plan should also be submitted, and consultation is recommended with the local community.

In relation to design, the current outline proposal is considered an improvement over the previous scheme, however the very large skylights should be reduced to mitigate their visual dominance. In addition, the overall height and scale will need to relate to neighbouring properties, and this is not currently clear from the submitted drawings.

Please note that any advice given by Council officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to future planning consents. Any views or opinions expressed are given in good faith and to the best of ability without prejudice to formal consideration of any planning application, which was subject to public consultation and ultimately decided by the Council. You should therefore be aware that officers cannot give guarantees about the final form or decision that will be made on your planning or related applications.

Although the advice note will be brought to the attention of the Planning Committee or an officer acting under delegated powers, it cannot be guaranteed that it will be followed in the determination of future related planning applications and in any event, circumstances may change or come to light that could alter the position. It should be noted that if there has been a material change in circumstances or new information has come to light after the date of the advice being issued then less weight may be given to the content of the Council's pre-application advice of schemes.

Nevertheless, I hope that the above comments are viewed as constructive and that the pre-application process has been of assistance when submitting any future application (You are also advised to refer to the local and national validation checklist on the Council's website).

Regards,



**Chris**  
**Area Team Manager - Development Management (Richmond North)**

**Tankard**