

Application reference: 22/0399/FUL
NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
08.02.2022	24.02.2022	21.04.2022	21.04.2022

Site:

47A 47 And 49, Lower Mortlake Road, Richmond,

Proposal:

Construction of a part 1/2/3 storey building including basement level to provide 14 co-living units (sui generis) and associated hard and soft landscaping, cycle and refuse stores

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

APPLICANT NAME

Westlake Property Limited
c/o Agent
c/o Agent
c/o Agent
c/o Agent
c/o Agent

AGENT NAME

Mr Dominique Mirepoix
100 Pall Mall
London
SW1Y 5NQ
undefined

DC Site Notice: printed on 24.02.2022 and posted on 04.03.2022 and due to expire on 25.03.2022

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

LBRUT Environmental Health Contaminated Land
LBRUT Transport
LBRuT Trees Preservation Officer (South)
14D POL
Metropolitan Police Service
Thames Water Development Control Department
LBRUT Director Of Social Services And Housing
LBRUT Environmental Health
14D Urban D
LBRuT Lead Local Flood Authority

Expiry Date

10.03.2022
10.03.2022
10.03.2022
10.03.2022
17.03.2022
17.03.2022
10.03.2022
10.03.2022
10.03.2022
29.06.2022

Neighbours:

The Bridge Workspace, 7B Parkshot, Richmond, TW9 2RD -
1A Salisbury Road, Richmond, TW9 2JB, - 24.02.2022

2 Salisbury Road, Richmond, TW9 2JB, - 24.02.2022
Room 7, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 6, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 5, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 4, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 3, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 2, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
Room 1, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
4 Blue Anchor Alley, Richmond, TW9 2PJ, -
2 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
3 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
The New House, Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
49A Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
49 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
45 Lower Mortlake Road, Richmond, TW9 2LR, - 24.02.2022
47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
43 Lower Mortlake Road, Richmond, TW9 2LR, - 24.02.2022
7 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
5 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
4 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
6 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
The New House, Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
16 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
2 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
1 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
3 Blue Anchor Alley, Richmond, TW9 2PJ, - 24.02.2022
Room 7, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
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Room 1, 47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
49A Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
49 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
45 Lower Mortlake Road, Richmond, TW9 2LR, - 24.02.2022
47 Lower Mortlake Road, Richmond, TW9 2LW, - 24.02.2022
43 Lower Mortlake Road, Richmond, TW9 2LR, - 24.02.2022
First Floor Flat, 51 Lower Mortlake Road, Richmond, TW9 2LW, -
55A Lower Mortlake Road, Richmond, TW9 2LW - 24.02.2022

13 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 24.02.2022

53 Lower Mortlake Road,Richmond,TW9 2LW, -

Ground Floor Flat,51 Lower Mortlake Road,Richmond,TW9 2LW, -

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

Development Management

Status: PDE

Application:22/0399/FUL

Date:

Construction of a part 1/2/3 storey building including basement level to provide 14 co-living units (sui generis) and associated hard and soft landscaping, cycle and refuse stores

Application Number	22/0399/FUL
Address	47A 47 and 49 Lower Mortlake road, Richmond
Proposal	Construction of a part 1/2/3 storey building including basement level to provide 14 co-living units (sui generis) and associated hard and soft landscaping, cycle and refuse stores
Contact Officer	Andrew Vaughan

1. INTRODUCTION

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

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

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The site is a rectangular area of approximately 250sqm, which has previously been used as a builder's yard at 47a Lower Mortlake Road and also includes the lower levels of the neighbouring properties at 47 and 49 Lower Mortlake Road, which are both Houses in Multiple Occupation (HMO) all within the same ownership which have been amalgamated into the scheme, with the red-line including the ground-floor of these properties. 45 Lower Mortlake Road on the other side of the intervening alleyway is also a HMO,

The main part of the site over which the new above ground elements of the proposal would be sited is mainly hard standing, surrounded by a high brick wall at the rear where it borders onto the flank southern wall of 3 Avoca Villas, in Blue Anchor Alley a large-terraced dwelling to the immediate north of the site. There are two single-storey buildings constructed of brickwork towards the rear part of the site, adjacent to 3 Avoca Villas in Blue Anchor Alley.

The yard is currently vacant, and this has been the case since at least 2017 and the site has been extensively marketed. For many years prior to 2017 it was used as a builders' merchant, with trade and public attending the site to purchase/collect goods. Since the cessation of this former use, it has been used for short periods as a car wash facility and also as a commercial car park (limited period only). The site has also been used on a temporary basis for the sale of Christmas trees. None of these more recent uses benefited from planning permission.

The main entrance/access into the site is from Lower Mortlake Road (A316), a busy major road linking London to the South-west via the M3. Blue Anchor alley runs along the western boundary of the site, which is a pedestrian cut-through to Kew Road further to the north. The site has the following planning designations:

- Boroughwide Article 4 Direction (restricting basement extensions)
- CIL Levy (Higher)
- Richmond and Richmond Hill Village SP

The site is located directly adjacent to the southern extent of the Kew Foot Road Conservation Area (CA) on the immediate western and northern boundaries, but no part of the site is within the CA, with the main aspect of the site onto the busy arterial road. The application site itself is not in a Conservation Area and there are no statutorily listed buildings, heritage assets in the immediate

vicinity that are considered to have a direct relationship with this site. The site is within Floodzone 1 and the Council's SFRA (2021) identifies the site as being in a throughflow catchment area and susceptible to groundwater flooding (between 50% and 74.9%).

Other designations include that the site is in an Area Poorly Provided with Public Open Space, within Village Character Area (Upper Richmond Road West (East Sheen) - Character Area 1 East Sheen Village Planning Guidance Page 17 CHARAREA05/01/02). 184-218

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Full details of the application are provided within the supporting information, but the development can be summarised as the construction of a part 1/2/3 storey building, including lower-ground level to provide 14 co-living units (sui generis), sunken communal garden and associated hard and soft landscaping, cycle and refuse stores.

Amendments: Throughout the course of the determination additional information has been submitted as part of the application in respect of drainage, fire risk and trees, with the roof and site plan updated to show the 1st floor roof set back, further clarification of the east elevation showing the neighbours boundary wall, west elevation updated for clarity, confirmation that the highlighted area on the first floor plan is a rooflight. Lower Ground and Ground floor plans have been updated to show a reduced courtyard to 47 and 49, showing a 1m buffer/ planter between the pavement and the courtyards and reduced lightwells, further clarification of the bin stores, with the lower ground plan revised to show the wall below lining through with the back of the bin store and updated proposed sections to correlate with the above.

Planning history:

19/3352/FUL: Construction of a part 2/3 storey building with lower ground-floor level to provide 16 co-living units (sui generis) and associated internal and external communal facilities, a sunken garden and bicycle parking spaces. Refused 26.6.20. **Appeal dismissed 22.7.21.**

NB – This appeal decision is considered to be a material consideration of substantial weight and this application has been designed to address the previous concerns raised and in response to the earlier appeal decision (see background).

4. CONSULTATIONS CARRIED OUT

The consultation for this application, including the list of neighbours notified of this application are listed above. 45 nearby neighbouring properties were consulted on the proposals. 8 objections were received in relation to the consultation conducted.

The full details of these objections can be viewed online, but the main points of objection are summarised as:

- Proposed development is out of character with the surrounding area;
- Excessive scale/density
- Inadequate level of parking.
- Detriment to the adjacent conservation area
- Result in loss of privacy to neighbouring dwellings;
- Result in loss of light to neighbouring gardens
- Potential damage to neighbouring properties from basement work
- Proposal will result in overlooking/overshadowing
- Loss of view
- Increased traffic generation
- Possible noise from use

The Richmond Society, a civic and amenity charity, objects to this proposal on the grounds of loss of amenity to the other properties in Blue Anchor Alley by reason of the scale of the proposed development which is an overdevelopment of the site.

Thames Water were consulted and have suggested a Piling condition/Informatives

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

London Plan 2021 (not exhaustive)

- Policy CG1 – Building strong and inclusive communities
- Policy CG2 – making the best use of land
- Policy CG3 – Creating a healthy economy
- Policy CG4 – Creating the homes Londoners need
- Policy D4 – Delivery good design
- Policy D12 – Fire Safety
- Policy D3 – Optimising site Capacity
- Policy D5 - Inclusive design
- Policy D6 – Housing quality and standards
- Policy D13 – Agent of change Principle
- Policy D14 - Noise
- Policy H1 – Increasing housing supply
- Policy H2 – Small sites
- Policy H4 – Delivering affordable housing
- Policy H7 – Monitoring of affordable housing
- Policy H10 – Housing size mix
- Policy SI 2 – Minimising greenhouse gas emissions
- Policy SI 12 – Flood risk management
- Policy SI 13 – Sustainable drainage
- Policy T4 – Assessing and mitigating transport impacts
- Policy T5 – Cycling
- Policy T6 – Car parking

Richmond Local Plan (2018)

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

Issue	Local Plan Policy
Local Character and Design Quality	LP1, LP2, LP39
Designated Heritage Assets	LP3
Impact on Amenity and Living Conditions	LP8
Local Environmental Impacts, Pollution and Land Contamination	LP10
Basements	LP11
Impact on Flood Risk and Sustainable Drainage	LP21
Sustainable Design and Construction	LP20, LP22, LP23
Waste Management	LP24
Development in Centres/Employment	LP40, LP42
Infill development	LP39

New Housing, Mix, Standards and Affordable Housing	LP34, LP35, LP36
Housing Needs of different groups	LP37
Sustainable Travel Choices	LP44
Parking Standards and Servicing	LP45

Supplementary Planning Documents

Affordable Housing
 Design Quality
 Development Control for Noise Generating and Noise Sensitive Development
 Transport
 Refuse and Recycling Storage Requirements
 Residential Development Standards
 Small and Medium Housing Sites
 Sustainable Construction Checklist

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

DCLG/Department of Transport – Manual for Streets
 Community Infrastructure Levy
 SFRA
 Basement User Guide

6. EXPLANATION OF OFFICER RECOMMENDATION

Background:

The previous application referred to in the planning history and throughout the assessment (19/3352/FUL) was refused and was subsequently dismissed on appeal. The appeal decision is considered to be a material consideration of substantial weight and forms a key consideration in the assessment of this revised proposal. This previous application was refused for the following four reasons:

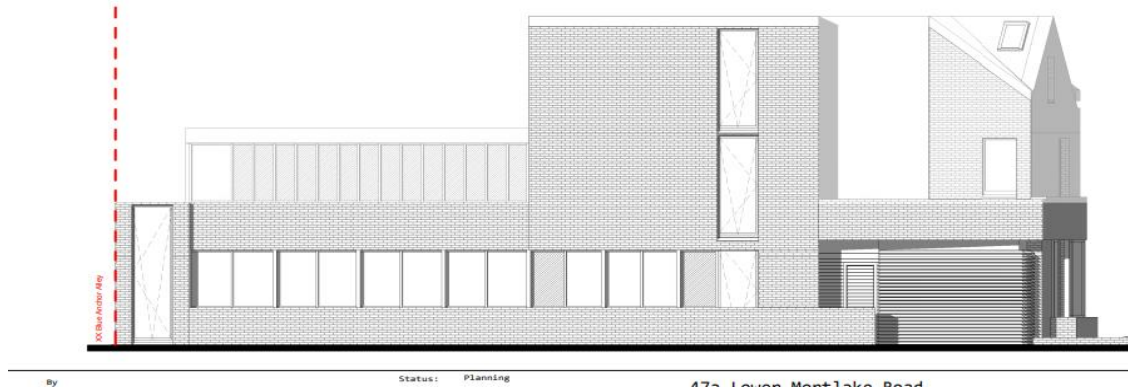
1. *The proposal would provide accommodation which is considerably below the national described space standards and consequently the proposed dwellings would be undersized and provide a substandard quality of accommodation, to the detriment of the potential occupants of the dwellings. Therefore, the proposal is contrary to in particular Policy LP35 of the Adopted Richmond Upon Thames Local Plan (July 2018), the nationally described space standard (NDSS) DCLG (Department of Communities and Local Government) (2015) and Policy 3.5 and Table 3.3 of The Adopted London Plan and its Housing Design Guidance.*

Officer comment: The Inspector considered this point and found the standard of accommodation to be acceptable and suitable for the type of accommodation envisaged, which was considered akin to a House in Multiple Occupation (HMO). This application is essentially for the same type of accommodation as was previously proposed/envisaged and a further objection to this proposal on these grounds would therefore not be a reasonable position for the LPA to take.

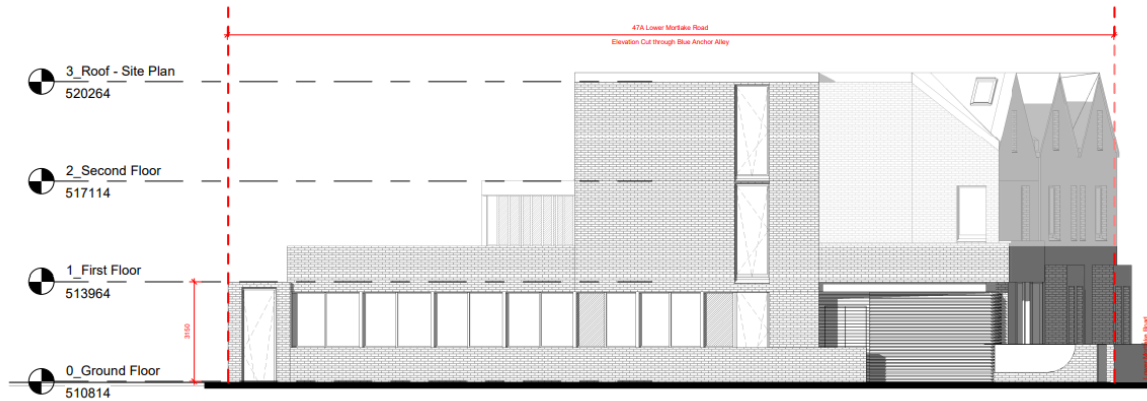
2. *The proposal, by reason of its siting, excessive rearward projection, massing and the inclusion of a sunken garden directly adjacent to the rear of 47 Lower Mortlake Road would appear over dominant, and overbearing when viewed from in particular habitable rooms within the ground and upper floors of 47 Lower Mortlake Road and to a lesser extent 3 Avoca Villas and would lead to an actual or perceived increased level of overlooking, increased sense of enclosure and in the case of 47 Lower Mortlake Road a direct loss of amenities they might reasonably expect to be able to continue to benefit from due the depletion in their available rear amenity area. The proposal is therefore considered to be contrary to, in particular, Policies LP1, LP8 and LP39 of the Adopted Richmond Upon Thames Local Plan (July 2018).*

Officer comment: The Inspector agreed with the Council on this point and this application has been submitted with a particular emphasis on specifically addressing these residential amenity concerns, with the level of projection significantly stepped back particularly at first-floor level to directly overcome the concerns about the impact on in particular 3 Avoca Villas, 47 Lower Mortlake Road now forms part of the application site and the previous concerns about the impact on this property directly overcome and addressed through this submission. The key change in relationship between the current proposal and the previously refused scheme (19/352/FUL) is demonstrated on the west elevation:

Refused/Appeal scheme - 19/3352/FUL

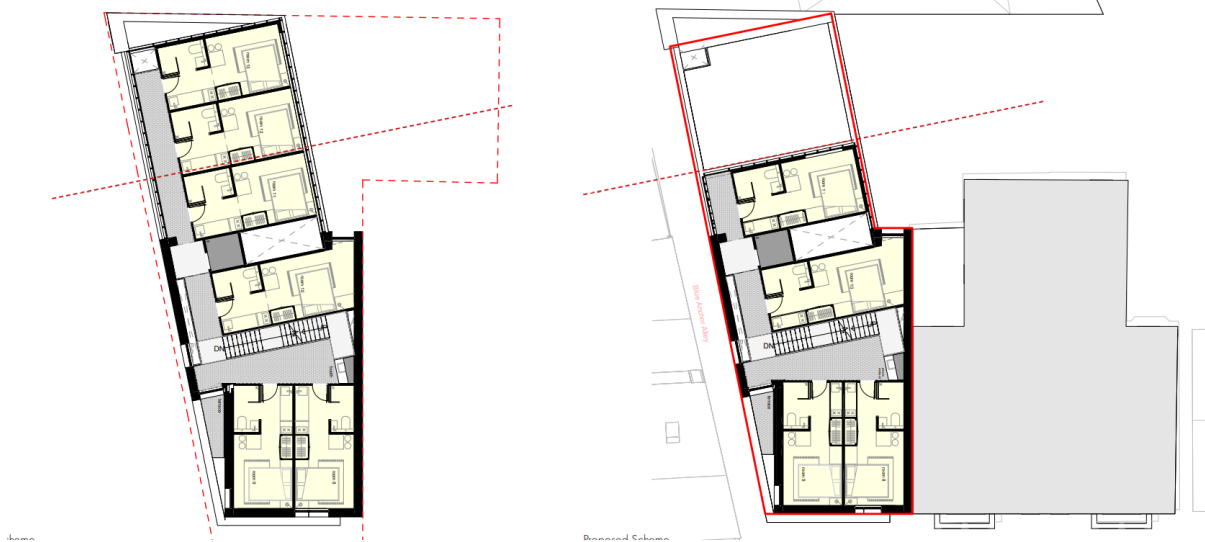


Current proposal



The extent of the first-floor reduction between the current and previously refused scheme are also demonstrated on the floorplans, taken from the submitted design and access statement:

Comparison
First floor cutback



3. *In the absence of a binding agreement to secure an appropriate contribution towards affordable housing, the development fails to address the identified housing need and would be prejudicial to meeting the Council's affordable housing objectives and is therefore contrary to the NPPF, Intend to Publish London Plan (2019) Policy H4 and H5, London Plan (2016) Policies 3.12, 3.13, the Council's Local Plan (2018) Policy LP 36, the Councils 'Affordable Housing' Supplementary Planning Document and the Mayors "Homes for Londoners: Affordable Housing and Viability SPG" 2017.*

Officer Comment: This reason for refusal has been fully addressed through this submission. A Financial Viability Assessment (FVA) has been submitted, independently reviewed and has been found to be unviable for a contribution (see affordable housing section below).

4. The application has failed to demonstrate that it meets the Council's standards in terms of energy efficiency. By reason of the poor performance in terms of CO2 reduction and in the absence of an agreement to secure the appropriate contribution to the Carbon Offset Fund the proposal is contrary to Policy LP22 of the Adopted Local Plan (July 2018), Policy S1 2 of the Intend to Publish London Plan (2019), Policy 5.2 of the London Plan (2016) and the Councils 'Planning Obligations' and 'Sustainable Construction Checklist' Supplementary Planning Documents.

Officer Comment: This reason for refusal has been fully addressed through this submission and policy LP22 satisfied.

The key issues for consideration are:

- i Principle
- ii Design and impact
- iii Impact on neighbour amenity
- iv Affordable housing
- v Sustainability
- vi Transport
- vii Trees
- viii Environmental Health/Contamination
- ix Fire safety
- x Flooding

Issue i - Principle

Approval is sought for the construction of a residential building (co-living units), with the application site described in the supporting Planning Statement as being a vacant builder's yard that has previously been occupied with temporary uses such as car parking, a car wash and a yard to store Christmas trees.

As set out above, the appeal decision is a consideration of substantial weight and has accepted the principle of a co-living type of development as proposed here, which is considered to have many of the hallmarks of a HMO type use. The LPA raised no in-principle objection to the earlier scheme (19/3352/FUL) for the construction of a residential building comprising 16 co-living residential units and the loss of employment was not cited as a reason for refusal of the previous scheme which was considered to have satisfied policy LP 42 of the Local Plan, noting in its justification:

Principle – Loss of Employment Land

Policy LP 40 Employment and local economy states that the Council will support a diverse and strong local economy, noting the following principle:

1. *Land in employment use should be retained in employment use for business, industrial or storage purposes.*

Policy LP 42 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, noting at Part A:

Retention of industrial space

A. 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 in accordance with the approach set out in Appendix 5; 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.

Therefore, policies LP40 and LP42 emphasise that the need for retention of employment land is a specific objective which the Local Plan aims to fulfil. As such, marketing evidence must clearly demonstrate that there is no longer demand for an employment-based use in this location and that there is not likely to be in the foreseeable future. Such marketing evidence should include the following:

Attempts to market poorer quality premises should be based on their present condition, and not on their potential for redevelopment in other employment uses or proposing housing as the only viable option.

In line with the sequential test set out in policy LP42, if marketing for an alternative industrial use is not forthcoming then consideration should be given to alternative employment generating uses including, in the first instance, B use classes such as offices and if these are not practicable then social infrastructure and community uses.

Given the previous employment use on site, the primary consideration therefore, is the loss of employment land in respect of Adopted Local Plan Policies LP40 and LP42 as referred to and the

NPPF.

Further, Policy 4.4 of the Adopted London Plan categorises LBRuT as a Restricted Transfer of Industrial land to other uses. The draft London Plan is even more specific, placing Richmond in the 'Retain Capacity' category for the management of industrial floor space capacity. Research for the Greater London Authority (GLA) indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041. Any loss must therefore be supported by full and proper marketing and the sequential approach, as set out in policy LP42 must therefore be applied.

Only once this has been conducted satisfactorily, will alternative employment uses be considered and then the amount of floor space should be re-provided or enhanced, as required by Policy LP40 – Employment and local economy and LP41 - Offices. This approach is also noted in draft London Plan Policy E7 - Industrial intensification, co-location and substitution.

Development Plans and development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through:

- 1. introduction of small units*
- 2. development of multi-storey schemes*
- 3. addition of basements*
- 4. more efficient use of land through higher plot ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.*

Assessment of the marketing exercise.

The loss of industrial land may be permitted if a robust and compelling case is made to show there is no longer demand nor is likely to be in the future for an industrial based use at the location and includes full and proper marketing evidence. See para 10.3.4 of the Local Plan.

The site has been actively marketed by Martin Campbell Commercial Property Consultants as open storage space since 1st February 2017, at a rate of £30,000 per annum. The board was taken down in July 2019. The agents DP9 state that site has been marketed through a commercial agent for employment/storage uses for 32 months. The marketing particulars describe the site as 'industrial/warehouse'. It is advised that due to the restricted access to the site and lack of a turning circle for larger vehicle, there has been little interest, and they consider it to be unsuitable by prospective occupiers. The LPA is therefore aware of the marketing for the existing use and general industrial/warehousing and the period is not disputed. LP42 part A1 has been completed.

Thus, the assessment moves to criteria A2 of LP42. A sequential approach should be adopted with a preference for office or alternative employment uses.

The decision period was extended to enable the applicants to prepare additional further information in response to comments provided to them regarding the loss of employment use, namely the evidence extending to discount other employment (B Class) and community uses as per sequential test in policy LP42 A2.

In respect of this additional information submitted, it is acknowledged that the site is outside the town centre and the AMU. However, it is near the amenities and facilities of Kew Road and Richmond Town Centre. This subject site is not considered to be small-scale in the Richmond context.

The previous report by Savills dismissed the prospect of industrial type and social infrastructure uses, concentrating on office use of the site and stated "Whilst we believe that if constructed, occupiers could eventually be found. However, the site's constraints would significantly limit the premises' commercial attractiveness. It would only be attractive to a small proportion of the occupier base. This is likely to result in the landlord charging rents that are below market; the premises having long void periods; or that occupiers interested in the premises would have poor covenants. All of these

elements introduce significant risk to an office development and make it unlikely that a permitted office development on the site would be commercially viable.”

The Savills analysis advises that the local area has about 166,000 sqft of available office floorspace which is an availability rate of about 10.3%. This is above the Borough’s availability rate of 8.8%. The property market area has a significant presence of small offices of which the average size is about 8,200 sqft. Savills say there is currently about 108,000 sq. ft of vacant office floorspace in the property market area. The level of vacant floorspace is expected to increase by about 17% by 2024. It states that due to the limited size of the site and its access/parking limitations with its position on a red route and a lack of prominence would count against the speculative development of the site for B1 commercial uses.

The LPA previously considered that offices in a mixed-use block could potentially be a viable option here, with the residential element potentially subsidising the office development and mitigating the risks of development. However, it was acknowledged at that time the small plot size was unlikely to be able to accommodate the required scale and mix of uses without over-development and accepted that the constraints of the site would make the practicalities of a mixed-use development with commercial on the ground-floor difficult to achieve in reality and given the history of the site, its position on the north side of the A316 outside of the town centre, the predominant residential surroundings and worsening economic conditions (that have deteriorated further since this time) that on balance it was very unlikely that a small-scale office development would be a realistic proposition given the sites constraints and acknowledging the lack of parking, the access situation on a red route, lack of prominence outside of the main centre, and strong protection of office uses within nearby key office areas and the availability of vacant space within these KOAs with the anecdotal evidence, suggesting that the pandemic has impacted offices.

A mixed-use development whilst possible was not previously considered to be a likely or viable scenario for this particular site and there is considered to be no reasonable basis to deviate from the previous view and substantively the policy position has not altered in the intervening period. The suitability of this site for the proposed co-living/HMO product is accepted at this site, acknowledging the availability of this site has been long known for potential commercial opportunities given its very prominent position on a busy arterial road into central London. The marketing summary report (at Appendix 1 of the applicants Planning Statement) prepared by Savills, provides further details on the marketing of the site and previously been accepted as sufficient to justify the loss of the existing use. The submitted documentation advises the applicant instructed this additional marketing report in 2020 for the previous submission at the Site (ref: 19/3352/FUL) and it is considered that this information remains relevant for this application, confirming that no further interest in the site has materialised in the time that has elapsed.

On that basis it is considered that adequate evidence has been provided that the scheme would not be suited to a mixed-use scheme and consequently there is no objection to the proposal on grounds that it is contrary to Policy LP42.

Principle of infill development

Local Plan Policy LP39 relates to infill, backland and back garden development. LP39(A) states that all infill and backland development must reflect the character of the surrounding area and protect the amenity of living conditions of neighbours. In considering applications for infill and backland development, the following factors should be addresses:

1. Retail plots of sufficient width for adequate separation between dwellings;
2. Retain similar spacing between new buildings to any established spacing;
3. Retain appropriate garden space for adjacent dwellings;
4. Respect the local context, in accordance with Policy LP2 Building Heights;
5. Enhance the street frontage (where applicable) taking into account of local character;
6. Incorporate or reflect materials and detailing on existing dwellings, in accordance with Policy LP1 Local Character and Design Quality;
7. Retain or re-provide features important to character, appearance or wildlife, in accordance with Policy LP16 Trees and Landscape;

8. Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with Policy LP8 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.

Policy LP39, along with the Small and Medium Housing Sites SPD, sets out criteria that need to be addressed regarding infill development, having particular regard to the impact on local character and amenity, and the guidance in the Village Planning SPD. There is no in principle objection to infill development in this location subject to the requirements of LP8 above. The proposal would provide new houses on a vacant brownfield site. The material planning considerations are considered in the sections below.

Housing Mix/Standard of Accommodation

Local Plan Policy LP35 states that development should generally provide family sized accommodation, except within Town Centres and Areas of Mixed use where a higher proportion of small units would be appropriate. Generally, the housing mix should be appropriate to the location. The Borough Strategic Housing Market Assessment (SHMA) supports this approach, finding that an overall mix of market housing should be delivered, including family housing and options for older households to downsize. The appropriate mix should be considered on a site by site basis, having regard to its location, the existing stock in the locality and the character of an area and take account of existing infrastructure capacity such as schools and transport.

Small units are defined in the supporting text as 1 bedroom or studio units. This is in recognition of the increasing proportion of one person households.

The development proposes an additional 14 (sui-generis) co-living units, akin to a HMO with each having exclusive access to a kitchen area and wc/shower room. accommodation in a co-living style arrangement based on a shared communal kitchen, dining/work area, lounge, study/workspace, washing facilities, multiuse room and communal outdoor space in the form of a sunken garden, which would be shared with the existing HMO.

The inspector in the previous decision commented on the earlier scheme:

“My attention has been drawn to a number of co-living scheme proposals by the Appellant; however substantive evidence has not been provided to allow a detailed comparison to the appeal proposal. Notwithstanding this it appears that they relate to significantly larger scale developments than the proposal before me.

Whilst occupants would have exclusive use of basic facilities within their rooms the development is not designed to enable units to function as self-contained accommodation and would provide shared space for occupants with private rooms accessed from within the shared areas.

I find that this would be akin to a largescale House in Multiple Occupation (HMO). This is endorsed by the Lower Mortlake Co-Living document which states “We want our residents to feel like members. Members of a household, a community, a club.” Along with the Appellants Appeal Statement which references that the scheme is closely related to a HMO. In my view future occupants of the proposed development would live together similar to a largescale purpose-built HMO in a co-living arrangement. Policy LP35 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan), which seeks to ensure amongst other things that developments have suitable space to accommodate the type of housing development. Policy 35 states that the Technical Housing Standards- National Described Space Standards (2015) (the NDSS) should be applied to all new housing development. All bedrooms would exceed the floor area outlined in the NDSS however it is acknowledged that these rooms are more than bedrooms and incorporate basic facilities.

The communal space would offer future residents the ability to work at home providing different areas to accommodate this. Overall, I find that the level of communal space, outside space along with the private space offers would provide occupants with a satisfactory level of accommodation.

I conclude that there would be no harm to the living conditions of future occupants of the proposed development. The proposal would not conflict with Policy LP35 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan), the London Plan 2021 and the NDSS which seek to ensure amongst other things that developments have suitable space for future occupants”

Regarding the standard of accommodation, the application emphasises the proposal is of a home scale, and all facilities including shared working spaces, cleaning etc. along with shared indoor and outdoor space, shared kitchens, workspace, multiuse area, washing facilities and the individual units all over single level, with the internal floor areas of the individual units ranging from 17sqm to 20sqm, which is considered to result in a reasonable quality of accommodation for the type of accommodation envisaged, which is targeted at younger, single working people and which would provide diversity to local housing options considered suitable for the type of product envisaged. Noting the above appeal decision and that the nature of the product is clearly reflective of this earlier scheme there is considered to be no reasonable basis to conclude that this revised scheme would be contrary to policy LP35.

Issue ii- Design

Policy LP1 requires developers and applicants to take a sensitive approach to the architectural design of new buildings, extensions and modifications to existing buildings, as well as landscape proposals. The Council does not wish to encourage a particular architectural style or approach but expects each scheme to be to a high quality. Schemes should be based on a sound understanding of the site and its context, following the locally specific guidance set out in the Village Planning Guidance SPDs.

Policy LP39 (A) concerns infill development and sets out the proposed developments must reflect the character of the surrounding area. In considering infill developments, the Council will have regard to ensuring developments retain adequate separation between dwellings and spacing between buildings, respect the local development context, including incorporating or reflecting materials and detailing on existing dwellings [inter alia].

The site of the proposed new building is not within the Conservation Area (CA), but any infill design could affect the Kew foot CA as it is on the boundary, so the impact on its setting is considered as required by Policy LP3.

This is an infill site previously used as a builder's yard on the fringe of the Kew Foot CA, with the houses on the north side of Lower Mortlake Road mainly late Victorian terraces, with the site bound by Blue Anchor Alley leading up to and which is focused on Kew and Kew Foot Road further to the north. The proposals are considered to have largely followed previous and pre-application advice provided in relation to the scale of the development proposed, which included a suggestion to remove a previous proposal to provide box top window at the front, to better relate better to the adjoining pair of houses in Lower Mortlake Road, and to reduce the height to rear.

Although the plans suggest potential alterations to the elevations of 47 and 49, this does not form part of this application. The amends to 47 and 49 relate only to the addition of the basement storey, lightwells and alterations to the front boundary. As previously held the proposed front elevation is generally considered to relate well to the adjoining pair of houses at 45 and 47 which have distinctive front gables and the amended design is considered to be a positive modern interpretation of the adjoining elevations, which relates to the existing rhythm of street frontages.

The fenestration to the basement level of 47 and 49 would replicate the fenestration pattern of that above albeit in a more modern style. Given the basement level siting, this will not be materially harmful to the character of the properties or the streetscene. To alleviate concerns about the lightwells appearing overly dominant and creating a moating effect in the streetscene, the size of the lightwells has been further reduced since the original submission and lower ground/ground floor plans have been updated to demonstrate a 1m buffer, with planters between the pavement and the courtyards to assist in providing further screening of these features:



It is considered this would greatly assist in disguising this particular element when viewed from the street-scene, which is onto the busy arterial Lower Mortlake Road (A316):



As demonstrated above the proposed front lightwells, though large would be at least partially disguised and when considered in the context would assist in the creation of a qualitative internal environment. Whilst such large front lightwells are uncommon and would not usually be supported, weight is given to the use (which would particularly benefit from improvements in living environment) and the overall enhancement to the streetscene provided by the development given the infilling of the unattractive gap, and restoration of the pavement/crossover which would assist in achieving the objectives of in particular Chapters 12 and 16 of the NPPF in assisting in optimising the potential of the site, through an innovative design when considered as part of a planning balance.

The development proposed to the rear would be more intensive than the existing situation but has also been substantially reduced in scale since the earlier refused scheme in relation to the vacant part of the site, which was not refused on design grounds and accepted that this is a sustainable location near Richmond Town centre, onto a busy thoroughfare which has a dense development pattern. It is generally acknowledged that the proposed scheme would relate acceptably in terms of scale and design to the prevailing townscape of rather tight grain, and the fenestration arrangement proposed would avoid a dead frontage along the alleyway.

The indication of materials is generally considered to be acceptable and relate well to this setting and as demonstrated below the western elevation onto Blue Anchor Alley would essentially read as contemporary interpretation of what already exists and would align to the scale, form and materiality of the surroundings, with the front facade pulled around the corner to create a covered entrance area, providing a defensible, active space to this end of the alley, as demonstrated below:



As can be seen in the figure above, the deep reveal at ground floor with window boxes would create a continuous planter, complementing the front gardens of the cottages further along the alley to the north and would assist in softening the impact of the development.

As also demonstrated on the above figure the building steps back in height and would read as a low-level mainly single-storey building from the alleyway providing enhanced security in the form of more passive surveillance and light from the building. The application is supported by a robust heritage statement, which provides a description of the significance of these assets, and assessment of the impact or effects of the proposed development and this states that in terms of the Kew Foot Conservation Area, the site currently *“presents an unsightly gap in the immediate setting of the Conservation Area, which is predominantly a tightknit residential development.”* The report goes on to state that *“The scheme offers a clear improvement in views, appearance and safety within the immediate setting of the heritage assets. It has been developed alongside the Council’s advice and is a sensitive and sustainable solution for the Site, respecting its historic context.”*

The comments received from the Urban Design Team note that the design, scale, and massing is considered generally acceptable, subject to further information including materials, fenestration and landscaping, which would be reserved by condition and as previously held it is considered that the proposal would relate appropriately to the adjacent Kew Foot Conservation Area setting, which is focused to the tighter-knit urban grain to the north and would harmonise with the established character and architecture, respect the surrounding built form and repair an existing gap in the townscape, subject to conditions, requiring further details of facing materials would adequately respect local character and design quality, in accordance with policies LP1 and LP3 and as required

by paragraph 193 of the NPPF. Subsequently, no harm to the setting of the adjacent CA is identified.

Policy LP11 sets out guidance in regard to the formation of basements. The proposal is compliant with this policy in so far as that the proposed basement is limited to single storey in depth below ground and has been supported by a structural report demonstrating how the scheme safeguards the structural stability of the existing building, neighbouring buildings and other infrastructure, including related to the highway and transport; making use of ventilation and providing a satisfactory landscaping scheme in acknowledgement of the constraints of the site.

The proposal has demonstrated that the scheme will not increase or otherwise exacerbate flood risk on the site or beyond (see below), in line with policy LP 21 Flood Risk and Sustainable Drainage and is supported with a draft Construction Management Statement demonstrating that the development will be designed and constructed so as to minimise the impact during construction and occupation stages and there are no ground stability factors identified which could affect the creation of a subterranean level. It is considered that the application is in general accordance with the requirements of policy LP11 and there is no specific objection to the principle of the proposed lower ground/basement level, which the previous application also incorporated.

The submitted Design and Access (DAS) provides details of the proposed landscaping at the site, including the communal external amenity space to the rear and the applicant has agreed that the exact details of planting and species can be secured via planning condition. The DAS also provides details of the materials used for the proposed development, including details of brickwork, windows, stone detailing, and metalwork and the applicant has agreed that the exact details of the materials and samples can be secured via planning condition.

In summary, whereas the development would be more intensive than the existing buildings on the site, it is generally accepted in terms of the scale and buildings for this accessible site, close to Richmond town Centre on a busy classified road would generally relate well to the street-scene, and is of an acceptable design for the nature of the product intended and as part of a planning balance of making efficient use of this functional brownfield site, which has seen a build-up of rubbish in recent times and that the scale proposed is within acceptable parameters for the nature of the development.

Whereas the development would be large and more assertive, it is considered that the design approach is acceptable and in accordance with design policies when assessed a part of a planning balance. It is therefore considered that the appearance of the proposed development is generally consistent with Policy LP1, LP3 and LP39 in directly addressing and responding to the sites constraints and local character.

Issue iii- Impact on Neighbour Amenity

Policy LP8 states in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.

To protect privacy, residential development should be sited a minimum of 20m between the main facing windows of habitable rooms or 13.5m where windows are occluded. Further, with respect to sunlight and daylight the Council is guided by the BRE Site Layout, Planning for Sunlight and Daylight, and in Sun on Ground Indicators. Submissions must demonstrate compliance with the above policy and relevant guidance..

The 'Small and Medium Housing Sites' SPD mentions that in defining a layout, it is important that new developments do not infringe on the privacy, daylight and sunlight of adjacent properties nor that of the intended occupiers. Privacy, daylight and sunlight standards should be used as a check to ensure that a layout is acceptable but should not necessarily dictate the layout.

The previous application was refused for the following reason:

The proposal, by reason of its siting, excessive rearward projection, massing and the inclusion of a sunken garden directly adjacent to the rear of 47 Lower Mortlake Road would appear over dominant, and overbearing when viewed from in particular habitable rooms within the ground and upper floors of 47 Lower Mortlake Road and to a lesser extent 3 Avoca Villas and would lead to an actual or

perceived increased level of overlooking, increased sense of enclosure and in the case of 47 Lower Mortlake Road a direct loss of amenities they might reasonably expect to be able to continue to benefit from due the depletion in their available rear amenity area. The proposal is therefore considered to be contrary to, in particular, Policies LP1, LP8 and LP39 of the Adopted Richmond Upon Thames Local Plan (July 2018).

The design has also evolved following the refusal of the previous application and appeal dismissal and as noted above this application has substantially cut back the building at 1st floor, reducing the bulk of the building adjacent to the rear neighbour at 3 Avoca Villas and care has been taken to ensure that there would be no increased overbearing, loss of daylight/sunlight to habitable room windows and gardens serving either this or any neighbouring/adjacent residential properties and the application is supported with a BRE sunlight/daylight report which clearly identifies the impact upon the nearest habitable room windows are within acceptable parameters.

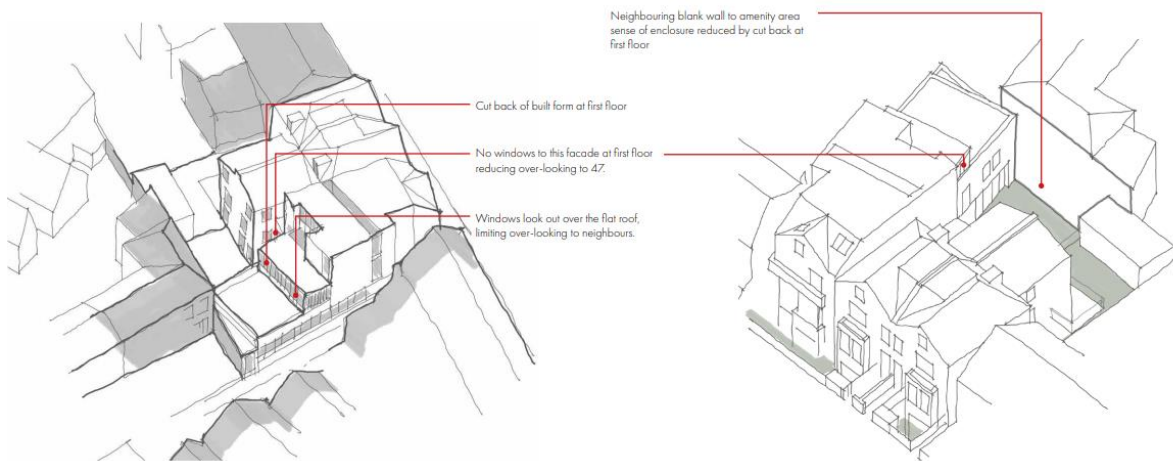
Existing buildings



Proposed buildings



As with the previous proposal the proposed new development would be larger and higher than the existing structures on the main part of the site which they would replace, but it is generally acknowledged that the redevelopment has potential to improve the character and appearance of the site, which presents as a functional unused site dominated by hard-standing and whereas there would be a change of view for properties surrounding the site, the planning system cannot protect specific views from private properties (unless these are strategically important) but can only consider whether a proposed development is intrusive or overbearing to the outlook of a property, particularly residential properties, due to the massing and proximity of a proposal, and whether this would cause demonstrable harm to the amenity of the property. The following massing diagrams from the applicant's design and access statement is considered to clearly demonstrate the relationship with the neighbours:



As demonstrated above, the development form achieves a degree of separation with regards to surrounding buildings, given the existing retaining wall to the north, the proposed set-backs of the upper floors and the intervening accessway. It is noted that the property at 47 is within the same ownership as the application site and the development is orientated away from neighbouring development to the immediate north and west to avoid direct overlooking, with the proposed development incorporating

parts of the adjacent properties to enhance the current offering of all three and provide new amenity space to serve both 47 and 49, which are both within the same ownership as 47a, thereby enabling a holistic approach to the development of the site.

Generally, there are no significant concerns in relation to properties on the other side of the passage, given the degree of separation and the relative orientation of sensitive elevations away from neighbouring proposed development.

Daylight/Sunlight: In this respect, a Daylight and Sunlight report has been submitted by the applicant prepared by specialist daylight consultants TFT confirming that daylight and sunlight availability to neighbouring residential properties adjacent and to the rear of the site would continue to satisfy British Research Establishment's (BRE) recommended values and occupiers would not be unduly harmed, noting that this development would be smaller than previously envisaged under the earlier refused scheme.

43 and 45 Lower Mortlake Road, 47 and 49 Lower Mortlake Road (upper floors), 2-8 Blue Anchor Alley and New House, Blue Anchor Alley have been assessed to establish the effect the Proposed Development may have on the neighbouring residential properties in daylight and sunlight terms. The Vertical Sky Component and No Skyline methods of assessment have been used to evaluate the effect the Proposed Development may have on the neighbouring residential properties in daylight terms. The Annual Probable Sunlight Hours (APSH) assessment has been undertaken in relation to the relevant windows and rooms to the neighbouring properties. The VSC results indicate that 45 (85%) of the 53 windows considered will fully comply with the BRE target values. The majority of the windows that fall below the suggested BRE benchmark are secondary windows serving rooms that have the benefit from receiving daylight from other windows. The NSL results indicate that 30 (88%) of the 34 rooms considered will fully comply with the BRE target values. Two of these rooms are bedrooms that are considered less important. The two remaining rooms retain 0.72 and 0.74 of their former value, retaining daylight to over 50% of the room areas, indicating that the space will remain well-lit in the proposed condition. When the VSC and NSL methods of assessment are evaluated, with the exception of a few isolated areas, the Proposed Development will only have a negligible effect on the quality and distribution of light the neighbouring properties receive.

Therefore, when considering the constraints of developing in an urban location, the development will not be of an excessive scale for the immediate surrounding area in daylight terms and will meet the intentions of the BRE guide in daylight terms. The Proposed Development will have a negligible effect to the sunlight the relevant neighbouring properties currently receive. The internal daylight adequacy assessment demonstrates that the majority of the habitable rooms within the Proposed Development will fully comply with the BRE target values. The results relating to this contextual scheme are fully commensurate with those expected in this location, representative of the neighbouring context and should therefore be considered acceptable. Overall, the findings indicate that the development is appropriate on the Site in daylight and sunlight terms and will meet the intentions of the BRE guide. Therefore, the Boehm Lynas Architects Proposed Development massing is in accordance with the aims of the London Borough of Richmond upon Thames planning policy in daylight and sunlight terms.

The technical assessment has been undertaken in accordance with the methodology outlined in The Building Research Establishment Report "Site Layout for Daylight and Sunlight 2011" (BRE 209). The BRE document is the principal guidance when considering daylight, sunlight and overshadowing.

Overall, the proposed scheme has been demonstrated to have a negligible effect to the sunlight the relevant neighbouring properties current receive, when assessed against the VSC and NSL assessment criteria. The internal daylight adequacy assessment demonstrates that all habitable rooms within the proposed scheme will comply with the BRE target values. Overall, the findings indicate that the development is not of an excessive scale for the immediate surrounding area in daylight and sunlight terms and will meet the intentions of the BRE guide. when considering the constraints of developing in an urban location, the development will not be of an excessive scale for the immediate surrounding area in daylight terms and will meet the intentions of the BRE guide in daylight terms. The Proposed Development will have a negligible effect to the sunlight the relevant neighbouring properties currently receive. The internal daylight adequacy assessment demonstrates that the majority of the habitable rooms within the Proposed Development will fully comply with the BRE target values. The results relating to this scheme are fully commensurate with those expected in this location, representative of

the neighbouring context and should therefore be considered acceptable. Overall, the findings indicate that the development is appropriate on the site in daylight and sunlight terms and will meet the intentions of the BRE guide. Therefore, the proposed Development massing is in accordance with the aims of the London Borough of Richmond upon Thames planning policy in daylight and sunlight terms.

Outlook/Privacy: The scale of the redevelopment scheme would be more intensive, covering much of the available site area and the LPA previously raised concerns regarding its impact upon neighbouring amenity, particularly with a substantial increase in the actual and perceived potential for overlooking and overbearing from the proposed building to the surrounding gardens to the north, east and west side of the development, with a development, which proposes a much larger structure closer to their properties.

45 Lower Mortlake road is to the immediate west of the site and located on the other side of the intervening Blue Anchor Alley and is also within the same ownership as the application property and it is used as a House in Multiple Occupation (HMO). The mainly blank flank wall, of this property faces onto Blue Anchor Alley and the first-floor of new development would only be visible in oblique views from the rear shared garden area as it would also be from would from the front garden area of number 3 Blue Anchor Alley to the immediate rear of number 45 Lower Mortlake Road. To the rear of this is the front of 3 Blue anchor Alley which is heavily vegetated, with a tall tree in the front garden which would also mitigate the impact of the proposed development. Whereas residents of these properties may notice an increase in built form from their respective rear/front garden/amenity areas from oblique angles it is acknowledged that due to the relative orientation of this site and lower height at the rear that no direct overlooking/loss of privacy to these residents would occur. It is not considered that the proposed development would be significantly detrimental to the residential amenities of these properties on the other side of the intervening alley, with the overall height of the first-floor rear element broadly in line with the eave's height of these neighbouring residential properties and whereas some passive surveillance of the proposed windows in the flank elevation may occur, the main aspect of the property is focused towards the east. It is acknowledged that there would be a loss of outlook to a flank facing window in at second-floor level of number 45 Lower Mortlake, but given this window provides a secondary, obscured aspect onto the alleyway and in the context of the tight urban terrace grain of this area this is not considered objectionable. The proposed height of the 3-storey front part of the proposed development is directly in scale with properties either side of it on Lower Mortlake Road and given the terraced nature of the area, any development coming forward for this site would reasonably expect to relate to the height and scale of the properties either side of it.

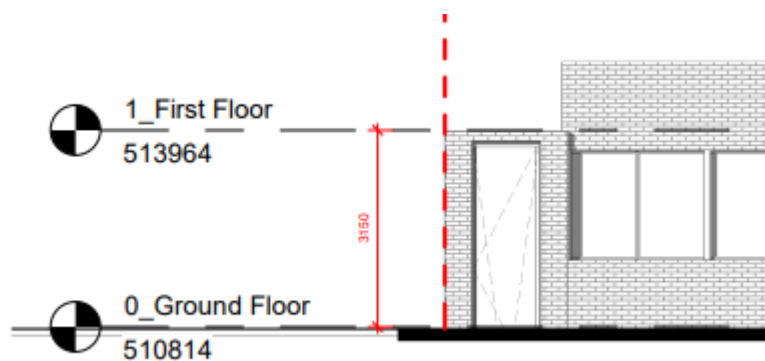
3 Avoca Villas is the two-storey property with a large two-storey rear element to the immediate north of the site and its predominantly blank south elevation lies directly adjacent to the rear of 47 and 47A Lower Mortlake Road and is separated from the proposed development site by an existing high brick-built boundary wall, the external part of was noted to be at least 3.5 metres high from the adjacent ground-floor of the alleyway when measured on the site. The following images demonstrate this wall from the alleyway and the back portion of the site.



Whereas there would be an uplift in the level of development at 47A Lower Mortlake Road, the part of

the development that protrudes above the existing retaining wall would be orientated away at ground floor level and is now well set away from the boundary of 3 Avoca Villas at first-floor level. In this regard the proposed development has been stepped down at the rear, so it is directly in scale the surrounding two-storey pattern of development. The first-floor element is now set well away from the boundary and previous concerns that the proposed development could appear overbearing for the residents of 3 Avoca Villas at this level especially when viewed from their front garden area are considered to have been fully addressed, mitigating the previous concerns about an overbearing and enclosing impact on this neighbour at this height.

At the lower level the proposed development has been designed to replicate as far as practicable the existing relationship with the existing high boundary wall from the adjacent ground-floor level which currently separates the site from no.3 to the rear and is well set-down and designed so that the extended area would be angled away from 3 Avoca villas at this point. The difference in height between the existing intervening boundary wall and the proposed (plans demonstrate the height of the structure closest to this boundary to be 3.150m) is not considered to result in demonstrable harm to the amenity of this occupier and indeed could be considered betterment:



The ground floor has a greater total height although this element pitches away from the boundary and whilst this may be visible and add to the sense of enclosure to the garden, having regard to the existing situation the previous concerns about the impact of the development on the front garden of this property (which is also heavily vegetated) that were raised in the earlier refusal (19/3352/FUL) would be negligible in context and must also be balanced out by the fact that the proposed development will regenerate an unused, functional brownfield site of untidy appearance (with rubbish build up noted on the photograph above) and the provision of an innovative housing product which would provide a good quality relatively affordable housing option, aimed chiefly at young working age people in an accessible location close to a main centre.

The reduction in the depth of the first floor from the earlier refused scheme (19/3352/FUL) has significantly reduced the impact on 47, although it must be acknowledged that the higher eaves height of the proposed development along this elevation would still have a more overbearing impact than the existing intervening boundary wall, which is approximately 2.5 metre high. However, this must be balanced out against the fact that the residents of 47 and 49 will now benefit from a new basement level with improved amenities and access to a rear/front courtyard, which the previous scheme did not. Given the delivery of this element is considered important in order to address the previous concerns about the impact on 47 (which were focused on the loss of their amenity area) a phasing/timing condition is recommended, which expressly prevents occupation of any part of 47A until the basement and rear lightwell to 47 has been implemented in full, as the delivery of this element is considered to be important in addressing the previous reason for refusal in respect of 19/3352/FUL. A condition will therefore be required:

No development, shall take place, apart from demolition, enabling and earthworks until such time as a phasing plan for the application site has been submitted and approved in writing by the Local Planning Authority to ensure the basement and associated rear courtyards to no.47 and 49 Lower Mortlake Road are completed before the development at 47A Lower Mortlake Road is occupied. 47A shall not be occupied until the development has been carried out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

With this condition securing the delivery of this element previous concerns about the proposed relationship with the existing properties within the existing site, in particular the relationship with 47 Lower Mortlake Road, are therefore considered to have been appropriately addressed and innovatively designed out, with the sunken garden to serve as the amenity space for the proposed development (which would be amalgamated with 47 and 49) and the proposals as submitted in other respects not found to result in any significant impacts on the residential amenity of these neighbouring occupants. Likewise, the proposals are not found to result in any adverse impacts on properties to the west of the site, or due to the intervening dual carriageway the flank elevation of the well separated properties to the south of the site in Salisbury Road (which are over 40 metres away).

This revised application, which has been amended during the application process to further mitigate the impact is considered to have addressed concerns that the proposals would prove deleterious and detrimental to the residential amenities of the residents of 3 Avoca Villas and 47 Lower Mortlake Road and for this reason the proposal as submitted is considered to be in accordance with policies LP8 and LP39, which seek, amongst other matters to prevent harm to the amenities of neighbours.

Noise and Disturbance

Noise during construction would be managed through a Construction Management Plan to control hours of work, as well as dust suppression measures etc., and statutory nuisance legislation would apply through Environmental Services.

The proposed plant equipment would be located well within the proposed building, at lower-ground-level and in less sensitive locations externally as required so there would be no noise issues associated with plant equipment. Full details of the noise impact approach are set out in the Acoustic Report (prepared by Auricle) and on plans submitted in support of this planning application

External areas/ASHPS could have the potential to cause noise. However, a residential use is not an inherently noisy use, and the site is surrounded by residential uses which also have gardens and the likely noise nuisance from the proposed residential development is not considered to be excessive or unjustifiably harmful. It is acknowledged that noise from any ASHP unit serving the development could be appropriately conditioned and the Environmental Health Officer (Noise) has confirmed they do not have any in principal objections to the proposed development subject to the conditions in respect of mechanical services and noise protection.

Air Quality

The site is located within Richmond's Air Quality Management Area (AQMA). Policy LP10 notes 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 amenity of existing and new users of the development site or surrounding land

The proposal is supported by a rapid health impact assessment matrix, which includes considerations of air quality, and it is not considered that redevelopment of this brownfield site as proposed would be likely to cause a significant impact on local air quality. During construction, the main emissions are likely to be dust and particulate matter generated during earth moving or from construction materials. The risk of dust soiling on neighbouring properties during the construction phase are likely to be low to medium and these risks can be effectively mitigated by good site practice and as such the resultant impacts are considered to be negligible. The effects from the construction phase are not anticipated to be significant and the Energy report highlights that the proposed development would be energy efficient and utilise renewable energy, SUDS and appropriate glazing and ventilation. Furthermore, as the proposed development would be car-free, adjacent to existing residential accommodation with no car-parking in a sustainable location there would be no significant traffic movements generated as a result of the development.

Overall, the proposed development is considered to have addressed concerns in relation to daylight/loss of outlook, loss of privacy and visual dominance when viewed from in particular the neighbouring enclosed garden at 3 Avoca Villas and would not result in an overbearing sense of enclosure and loss of outlook and daylight to this property.

Issue v – Affordable Housing

Policy LP36 states a contribution towards affordable housing will be expected on all housing sites. The following requirements apply:

- a. on all former employment sites at least 50% on-site provision. Where possible, a greater proportion than 50% affordable housing on individual sites should be achieved.
- b. on all other sites capable of ten or more units gross 50% on-site provision. Where possible, a greater proportion than 50% affordable housing on individual sites should be achieved.
- c. 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, in line with the sliding scales set out below and in the Affordable Housing SPD.

In accordance with the policy, the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. The Council will have regard to economic viability; individual site costs; the availability of public subsidy; and the overall mix of uses and other planning benefits.

Where a reduction to an affordable housing contribution is sought on economic viability grounds, it will be necessary to provide a development appraisal to demonstrate that the scheme is maximising affordable housing. The Council will rigorously evaluate such appraisals and:

- assess if the maximum reasonable amount of affordable housing is based on delivering the appropriate tenure, unit sizes and types that address local needs.
- consider whether it is necessary to secure provision for re-appraising the viability of a scheme prior to implementation to secure contingent obligations.
- in most circumstances the Existing Use Value plus a premium (EUV+) approach to assessing benchmark land value in development appraisals and viability assessments should form the primary basis for determining the benchmark land value.

In essence the viability assessment process comprises a comparison of the residual land value (RLV) for the proposed development against an appropriate benchmark value (BLV) for the existing site or property. Development convention and guidance on assessing the viability of schemes states that where a development proposal generates a RLV which is greater than the appropriate BLV, it is deemed financially viable and therefore likely to proceed. Conversely, if the RLV is lower than the BLV, it is deemed financially unviable. This is based on the accepted assumption that a developer would always seek to bring forward the highest value scheme.

An FVA has been submitted with the application which was reviewed by the Council's viability consultant. It was found the scheme shows a residual site value of negative £503,317 which is below the benchmark land value of £297,000 without any allowance for affordable housing by £800,371, which clearly demonstrates that the scheme could not support affordable housing or Section 106 contributions.

Given the application is not a major development and the scheme is unviable, it is not considered, a late stage review mechanism/clawback arrangement should be included, and the proposal is considered to have met the requirements of Policy LP36 of the Local Plan.

Issue vi – Sustainability

The proposal is a minor development and an Energy Statement, Sustainable Construction Checklist and National Water Standards Statement and Water Efficiency Calculator for New Dwellings have been submitted, which has also been reviewed by independent consultants CIS at the applicant's expense.

Policy LP20 on Climate Change Adaptation states that new development should minimise energy consumption and minimise the impact of overheating.

Policy LP22 states that development will be required to achieve the highest standards of sustainable design and construction to mitigate the effects of climate change. Applicants will be required to complete the Sustainable Construction Checklist SPD and identify that water conservation measures will be implemented to achieve a maximum consumption of 110 litres per person per day. Development proposals of 1 dwelling unit or more will be required to reduce their total carbon dioxide emissions by 35% over part L of the 2013 Building Regulations.

It is advised that the energy efficiency of the new building would score 52 (B) suggesting help to significantly improve the borough's stock of sustainable developments and the application is accompanied by an Energy & Sustainability Strategy, prepared which sets out that a number of sustainable design features, and construction will be responsibly managed to ensure minimal impact on the environment and local community. The submitted energy statement identifies that an on-site carbon emission saving of approximately 58% over the Building Regulations (2013) Part-L baseline would be achieved as part of the proposed development, through the incorporation of highly efficient building fabric, thermal insulation, installation of photovoltaic panels, efficient lighting, water saving appliances and efficient construction and operational waste management. A water usage statement within the submitted Energy Statement specifies that the proposed development would achieve a maximum consumption of less than 105 litres per person per day.

The Energy statement submitted with the application clearly confirms that the water fittings specification to meet the target water consumption of 105 l/p/day.

The Energy statement demonstrates fully addressing the Energy Hierarchy Be Lean, Be Clean and Be Green confirming the following savings:

- Be Lean; 13%
 - Be Clean; 0%
 - Be Green; 45%
- Total = 58%

It has been confirmed that the glazing will incorporate low emissivity coatings to limit overheating without compromising light transmittance, limit overheating while ensuring adequate daylight would be received, with the proposed development employing an efficient building fabric and specified to exceed current Building Regulations minimum requirements, with the Thermal Bridging figure stated as default, with Air source Heat Pumps (ASHPs) specified to maximise carbon savings, resulting in a 58% improvement of the Building regulations.

In order to ensure the application is compliant with Local Policy, a condition would be recommended on any planning consent securing the proposals meet the necessary sustainability and energy efficiency targets as stated within the submitted energy statement, but overall the applicant has demonstrated that the proposed development which would make efficient use of land within the borough in accordance with the aims and objectives of Policy LP22 and the Sustainable Construction Checklist SPD. The proposals are compliant with Local Plan policies LP20 and LP22.

Issue vii - Transport

Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

The site has a PTAL score of 3. The London Plan 2021 policy T6, table 10.3 states: "Outer London PTAL 2 - 3, bedrooms 1 - 2, up to 0.75 spaces per dwelling" should be provided.

Policy LP44 and LP45 of the LP (2018) states that it is necessary to consider the impact of any new development on the existing wider and local transport network and that development will 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. The maximum parking standards contained within Appendix 3 of the Adopted Local Plan will be expected to be met, unless it can be shown that in proposing levels of parking applicants can demonstrate that there would be no adverse impact on the area in terms of street scene or on-street parking. Policy LP44 also seeks the provision of appropriate cycle access and sufficient, secure cycle parking facilities.

This proposed development is very similar to 19/3352/FUL which was refused and then dismissed on appeal for reasons not related to transport and highway safety issues. Therefore, the Principal Transport Officer has confirmed their original assessment is still valid and has noted:

Pedestrian Access

Pedestrians would access the site from the northern side of the A316 Lower Mortlake Road. This road

has a high-quality footway and cycle-way and the development is proposed is intended to be car-free. The applicant would need to enter into an agreement under S278 of the Highways Act 1980 to restore the vehicular cross-over immediately south of the proposed access to the level of the surrounding footway and to install demarcation studs at the south-western corner of the it due to the altered building line. These will define the highway boundary.

Vehicular Access and Parking

The proposed development would be car-free and no disabled parking spaces are proposed to be provided on the site. The site has a public transport accessibility level (PTAL) score of 6a (excellent)

The proposed development is also in a controlled parking zone (CPZ) N- North-East Richmond. This operates from 10.30 - 16.30, Monday - Saturday (exclusive of bank holidays and public holidays). The applicant would need to enter into a legal agreement with the Local planning Authority which will state that residents and employees of this development will be precluded from purchasing on-street vehicular parking permits within it apart from disabled residents and employees. This is in accordance with Local Plan policy LP45, Paras. 11.2.1 and 11.2.2.

Although there is not sufficient space to provide disabled vehicular parking on site in accordance with standards set out in the current London Plan, disabled motorists can currently park in controlled parking zone bays, business parking bays, and parking bays which have time restrictions for as long as they need to be provided as long as they display a blue badge on their vehicle. There are a number of bays 50m east of the site access which are 45 degrees to the carriageway. The applicant has also completed and submitted a vehicular parking stress survey which has been completed in accordance with the Borough's Supplementary Planning Guidance which demonstrates that there is sufficient space to accommodate up to two vehicles that may need to park on the carriageway or in other bays with restrictions on them without adding unduly to existing vehicular parking stress. Therefore, there is generally no objection to the proposals in this regard subject to the legal agreement being completed which could be secured by Grampian condition.

Servicing and Refuse Collection

There is a dedicated loading bay immediately south-west of the proposed development which motorists completing deliveries can use if necessary.

The Highways and Parking Impacts of the indicated development have been considered by the Council's Principal Transport Officer (in consultation with TfL - Transport for London), who manage Lower Mortlake road, and who has commented:

"The site presented as 47A Lower Mortlake Road has an existing vehicular crossover access that will no longer be required if this development is allowed, and the applicant needs to enter into an agreement with Transport for London as Highway Authority for Lower Mortlake Road, which is a red route, to restore this to the level of the footway to the east and west of it.

The proposed development site is car-free and is in controlled parking zone (CPZ) N - North-East Richmond which operates between 10.00 and 16.30 Monday - Saturday. All CPZs in the Richmond area are heavily subscribed, and this proposed development is car-free. Therefore, the applicant is expected to enter into a legal agreement with the London Borough of Richmond whereby all occupants of co-living units within the basement, ground floor, and upper floor areas of the proposed co-living development, with the exception of disabled occupants who hold a blue badge, will be excluded from obtaining vehicular parking permits within any CPZ or Borough-managed car park. This is in accordance with Local Plan Policy LP45, Para. 3c and Para. 110d of the NPPF.

Regarding servicing and refuse collection, there is a dedicated loading bay west of the site on Lower Mortlake Road (north side) with a maximum stay of 20 minutes. This is suitable for refuse and recycling collection operatives and delivery drivers to use to service the site.

The applicant has provided a refuse and recycling store with 1 x 1,100l bin for refuse and 2 x 360l bins for paper and mixed recycling respectively. They would need to provide 4 x 360 bins (2 for paper and 2 for mixed recycling) to meet the standards set out in Richmond Council's supplementary planning guidance...

However, I note that, in the London Plan, Para. 4.1.9 states that:

"all other net non-self-contained communal accommodation should count towards meeting housing targets on the basis of a 1.8:1 ratio, with one point eight bedrooms/units being counted as a single home".

Therefore, $14/1.8 =$ the equivalent of 8 x 1-bed dwellings. Therefore, which would require 1 x 360l bin for mixed recycling and 1 x 360l bin for refuse. However, I am sceptical that this is enough given that the communal areas will also generate domestic waste too. Therefore, I advise that additional bin storage space is allocated with the building management team presenting the bins on the footway on collection days. Details of refuse storage can be secured via a planning condition.

The applicant has shown that they can provide cycle parking in accordance with the minimum standards set out in the London Plan (2021). Details of cycle parking for the co-living occupants only need to be secured via a planning condition.

The applicant has provided a construction management plan in accordance with the Council's proforma. Vehicular trips would peak at about 25 per week so 10 x 2-way vehicular trips per day, 5 days per week. The applicant should be aware that the loading bay west of the site that they will rely on for all deliveries has a maximum stay of 20 minutes per vehicle. This may affect their ability to do large concrete pours which can take 40-60 mins. Blue Anchor alley that is west of the site is adopted highway maintained by the Borough Council. The applicant will need to get a hoarding licence from the Borough's Highway Inspection and Enforcement team. They will also need to contact TfL's Asset Management team as the guardians of Lower Mortlake Road, to get a licence to put a conveyor system over the highway and to place signage.

For this reason, I have sub-consulted a colleague at TfL's Asset Management team, who might well require a more detailed CMP to be secured via a planning condition.

On this point it is also noted TfL were consulted on the earlier application under ref: and commented.

"The development is located on the Lower Mortlake Road which is part of the Transport for London Road Network.

- The development is proposed to be car free which is in line with DLP Policy T6, and future residents will be subject to a permit free agreement which is welcomed.*
- Existing vehicle access will be redundant and retained as a footway which will improve the quality of the environment for pedestrians and cyclists which meets DLP Policy T2 Healthy Streets.*
- Cycle parking should be designed in line with London Cycle Design Standards and the quantum of spaces should meet the requirements set out in DLP Policy T.5.*
- DLP Policy T7 Servicing expects new development to provide off-street servicing where possible. However, given the nature of the development and on-street location, with no vehicular access the on-street loading is acceptable.*
- As the site is located on the TLRN, the Construction Management Statement should be secured by condition and approved by the borough in consultation with TfL.*

I trust these comments are helpful in the determination of the application, to summarise, TfL request to be consulted on the full CMP and ask this is written into the planning condition."

As the applicant wishes to construct a new basement adjacent to the highway on Blue Anchor Alley and on Lower Mortlake Road, they will also require an approval in principle from TfL's Asset Manager and from Richmond Council's Structural Engineer, before development commences, to protect the structural integrity of the highway. This has been relayed to the applicant who has noted this requirement and is this requirement is listed within the informatives attached to the recommendation.

The applicant has also confirmed their agreement to the need to enter into an agreement with Transport for London as Highway Authority for the reinstatement of the crossover, which is dealt with by way of a Grampian condition.

Regarding the refuse and recycling store, the number of bins proposed is in accordance with local guidance, as detailed in the submitted Transport Statement prepared by TPP Consulting. The requirement to provide 4 x 360 bins (2 for paper and 2 for mixed recycling) to meet the standards set out in LBRuT's supplementary planning guidance. For 47 and 49 Lower Morake Road, the bins will continue to be stored at the front of the property, as existing. As set out in the TS, there will be no new occupants of 47 or 49 associated with the proposed development.

Details of cycle parking would be secured via planning condition. A Construction Management Plan ("CMP") prepared by TPP Consulting was submitted alongside the planning application, detailing the programme schedule for vehicular trips. It is noted that the loading bay to the west of the Site that will be used for all deliveries has a maximum stay of 20 minutes per vehicle. The comments have been relayed to the applicant who has acknowledged that there will be a need to apply for a hoarding license from the Borough's Highway Inspection and Enforcement Team, as well as a license to put up signage from TfL's Asset Management team and has confirmed they will liaise with the respective departments for the necessary licenses.

In consideration of the above the proposed development (as previously found) is therefore considered to, on balance to incorporate measures that would suitably control the effects of the development on the surrounding highway network, in accordance with the aims and objectives of policies LP44 and LP45 of the Local Plan (2018).

Issue viii - Land Contamination

The Council's Environmental Health officer has commented on the proposal and has recommended that a condition is imposed to secure site investigation for potential contamination and remediation where required. Therefore, any issue of contamination can be dealt with prior to the commencement of development. Subject to the imposition of this condition, the proposed development is acceptable and complies with the NPPF in this regard, and Policy LP10 of the Local Plan.

Issue ix – Trees, Landscaping and Ecology

Policy LP16 of the Adopted Local Plan is concerned that the boroughs trees and landscape will be protected and enhanced. The proposal incorporates a blue roof to meet sustainability objectives and a sunken garden and planters along the alleyway to green the site. The location of this proposal is not sited within a Conservation Area and there are no recorded Tree Preservation Orders (TPO) within or adjacent to the site. The 2x mature highway trees are publicly maintained are in the footway outside the property and it was originally noted in the assessment of 19/3352/Ful that:

"We note the submission of the Arboricultural Report Ref: ha/aiams2/20/47aLMR. Unless otherwise specified, all tree numbers and species identification will refer to those used in the tree survey schedule in this document. A BS5837:2012 survey has been included within this report and I concur with the survey findings and the tree categorisation.

The location of this proposal is not sited within a Conservation Area and there are no recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

On viewing the documentation, it is my view that the trees adjacent to the site will not be affected by the construction of the proposal. However, we require that the area around these trees is suitably protected from any indirect construction activity, and not used for the storage of any materials and/or machinery.

This notwithstanding, the recommendations and working methodologies of the aforementioned Tree Report are largely consistent with good Arboricultural practice for construction activities around trees and are in line with the British Standard BS5837 (2012) in the execution of this proposal."

No objections to the proposal subject to a condition, securing the Submitted Arboricultural details.

The implications upon the trees and the methods for tree protection and preservation during ground works, demolition and construction are set out in this report and include as a requisite a tree protection plan and the recommendations and working methodologies of this Tree Report remain consistent with the existing site conditions. Given that there has been no significant alteration in the condition of these trees since this report was commissioned, the fact these trees are outside of the redline and would not be directly impacted and noting that LPAs should not cause another party to incur unnecessary or wasted expense, the suggested condition is considered sufficient, with the recommendations and working methodologies of the Tree Report are largely consistent with good Arboricultural practice for construction activities around trees and are in line with the British Standard BS5837 (2012) in the execution of this proposal.

In other respects, the site is currently dominated by hardstanding, with no nature conservation features or trees over the site itself. The landscape strategy is focused on softening the current site, as far as is practical given the constraints imposed. The indicated enhancement of the appearance of the site with landscaping is considered to also read as improvement generally. The proposal incorporates a blue roof to meet sustainability objectives and a sunken garden to green the site.

The enhancement of the appearance of the site with hard and soft landscaping weighs in favour of the proposed development as the site currently comprises hardstanding with no soft landscape features or biodiversity habitats present.

Issue x – Fire Safety

Policy D5 is concerned with inclusive design and the fire safety strategy submitted with the application confirms a fire evacuation strategy for this modest 3-storey development, with lower ground-floor level. The applicant has submitted a Technical Note by CHPK Fire engineering confirming addresses why it is acceptable that there is no evacuation lift provided as part of this development, with the technical note for this co-living development confirming that it has been developed in accordance with the relevant British Standards and:

- 1) The use of the building: Due to the size of the building and the use of co-living rooms, the council has deemed this building as a minor development (The London Plan policy D5(B5) recommends an evacuation lift within major developments). Evacuation lifts are not a part B fire safety requirement. The current prescriptive guidance (ADB, BS 9991 etc) takes precedence as they are the documents used in how to achieve compliance with the building regulations. The building regulations do not require buildings to pertain evacuation lifts. For minor developments, the London plan Policy Part A is used to assess buildings. An evacuation lift is not a requirement for the part A of the London Plan Policy.
- 2) The height of the building: As the building is less than 18m in height, a secondary lift is not needed as a part B fire safety requirement.
- 3) The floor area of each storey within the building: Each storey within the building is less than 900m² in floor area and as such, a secondary or evacuation lift is not needed within the development as a part B fire safety requirement and is therefore not proposed.

It is also acknowledged that incorporating a secondary lift for a development of this scale would have significant impacts on the delivery of the project and would impact on the ability to introduce communal and shared spaces. It is clearly summarised why it is not necessary to have evacuation lifts present within the building as the height of the building does not exceed 18m, the floor area of each storey is less than 900m² and the accommodation within the building is used for co-living spaces. As such, this building is not classed as a major development and an evacuation lift therefore is not required within the building under the London Plan Policy part A requirements or building regulations. On this basis the application is compliant with the London plan policy D5.

Policy D12 of the published London Plan states:

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

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

The application has been supported by a Fire Statement which advises how the proposal would address this policy, also prepared by CHPK, is submitted as part of this application. This sets out the design approach to ensuring that the risk of fire spread is minimised, and fire protection measures are in place, having been fed into the design of the scheme. Overall, the approach taken in relation to safety and fire security is considered to be acceptable.

In planning terms, the Proposed Development therefore complies Policy D12 (which requires the highest standards of fire safety) and the information provided is considered to satisfy the intent of the policy with the statement noting that the development will be required to fully comply with the Building Regulations. Planning permission is NOT a consent under the Building Regulations for which a separate application should be made. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

Issue xi - Flood Risk/SuDS

The scheme proposes the construction of a part 1/2/3 storey building (plus lower ground) to provide 14 co-living units and associated internal amenity space at lower ground floor level, with new lower ground level amenity space to neighbouring buildings, and alongside external communal space at ground and lower ground.

The National Planning Policy Framework seeks to direct inappropriate development away from areas at the highest risk of flooding (whether existing or future). Policy LP21 of the Local Plan 2018 states: 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. 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. Unacceptable developments and land uses will be refused in line with national policy and guidance, the Council's Strategic Flood Risk Assessment (SFRA).

Policy LP21 of the Local Plan states that the Council will require the use of SuDS in all development proposals. Applicants will have to demonstrate that their proposal complies with the following:

1. A reduction in surface water discharge to greenfield run-off rates wherever feasible.
2. Where greenfield run-off rates are not feasible, this will need to be demonstrated by the applicant, and in such instances, the minimum requirement is to achieve at least a 50% attenuation of the site's surface water runoff at peak times based on the levels existing prior to the development.

The site is within Flood Zone 1 as designated by the Council's Strategic Flood Risk Assessment; therefore, the sequential and exception tests are not required. A detailed surface & foul water drainage strategy (including an FRA) has been submitted in order to demonstrate the proposal would not adversely increase flood risk.

Sustainable Drainage Systems (SuDS) involve the management of storm water from developments effectively in order to reduce the impact of run-off both to the site in question and properties downstream, and not to exacerbate existing problems. This is achieved by not increasing peak flows that will otherwise result from the development. The philosophy of SuDS is to mimic as closely as possible, the natural drainage from a site before development, and to ensure that storm water runoff is treated so there is no detriment to water quality of the receiving watercourse. Using SuDS may

provide water quantity and quality control, as well as increased amenity value. Appropriately designed and maintained schemes may improve the sustainable water management at the site by:

- Reducing peak flows to watercourses or sewers and potentially reducing the risk of flooding downstream.
- Reducing the volume, rate of discharge, and the frequency of water flowing directly to watercourses or sewers from the developed sites.
- Improving water quality compared with conventional surface water sewers by removing pollutants.

The submitted FRA outlined that the level of risk from tidal, surface water, sewers and artificial sources is assessed as low. There is a low risk from groundwater flooding. Further information was requested to confirm the method of drainage used, which has confirmed the use of blue roofs and water butts and the proposed runoff rate.

The applicant has submitted information which has directly addressed policy relating to London Plan Policy SI 13 with clarification on the approach to addressing the storm water drainage hierarchy by the introduction of a hierarchy table, confirming that they are reducing the peak run off to 5l/s, representing a betterment from existing of: 84.7 % during the 1:100 AEP event, including the 40 % allowance for climate change. o 78.4 % during the 1:100 AEP event. o 72.0 % during the 1:30 AEP event. - That foul discharge will be set at a maximum of 2.0l/s as pumped.

The Suds strategy confirms:

- Due to the proximity of the foundations and adjacent structures, the incorporation of soakaways or other infiltration devices is not considered to be practical.
 - The peak greenfield runoff rate at the site has been determined as being well below the minimum practicable discharge rates for commercially available flow restriction devices. A discharge limit of 5.0 l/s has been adopted as the minimum. To limit discharge to less than this value would result in an unacceptable increase in flood risk associated with surcharge of the limited area available for the wet well and the vast increase in volume needed to achieve Greenfield rates. Consequently, it is not considered practicable to limit discharge from the development to the greenfield runoff rate in accordance with SuDS Policy LP14.
 - The discharge from the site post-development will be limited to a maximum rate of 5.0 l/s during all events up to and including the 1:100 AEP event including a 40% allowance for climate change. This would provide a significant betterment to the existing condition without introducing an additional source of flood risk.
 - To achieve the above limitations of discharge, a 10.0m³ of wet well attenuation will be provided under the proposed sunken garden, pumping to a termination inspection chamber prior to out falling, by gravity, to the Public sewerage system.
 - Alternately, and subject to the final design, a blue roof could be considered to attenuate at least part of the volume required enabling discharge by gravity reducing the size of wet well for a submersible pumping station or eliminating it.
 - A separate and smaller pumping station will be located under the bin store for the foul waste ensuring the minimum 24hr storage capacity. This will discharge at a maximum of 2.0l/s. ▪ The development proposals will increase the peak foul water flows from the site. However, given the relatively small flow rates in either instance, it would be unlikely that the public sewer network would not have sufficient capacity to cater for the Proposed Development. Clarification has not been sought from Thames Water at the time of writing.
 - The development proposals will contribute to a reduction in flood risk associated with the exceedance of the public surface water sewer network in the vicinity of the site by providing a significant reduction in both peak discharge rates and reducing volume during peak storm intensities.
 - The proposed Drainage Strategy has been prepared to be robust and to demonstrate that it is possible to drain the site in a sustainable manner in keeping with local policy requirements without increasing flood risk to or from the Proposed Development. It should be noted that this strategy presents one possible solution to demonstrate that the Proposed Development can be sustainably drained and should not be interpreted as the definitive solution

It has therefore been confirmed that the application would achieve significant betterment and specifies the most practical Suds strategy for this site, noting that the earlier scheme was not refused on this basis.

With regards to groundwater flooding, a structural Report (including Basement Impact assessment) assessment has been submitted in support of this application. This includes answers to questions within the Council's basement screening assessment with relates to groundwater flooding. The basement impact assessment has been submitted by persons with relevant qualifications. The findings of the BIA are summarised:

During construction, lateral and vertical stability of the existing structure and adjoining structures subject to the party wall act as detailed above will be maintained by a combination of contiguous piling and underpinning of the required existing load bearing walls, such that no significant adverse movement is expected. The construction sequence used, including limiting excavations to 1m bays, and incorporation of suitable temporary propping should also serve to maintain stability to the soil and foundations of no's 47 & 49, the adjoining structures, highways and the immediately surrounding area. Environmental impacts have been assessed, and the response to geotechnical and hydrological aspects have been considered. The proposals are deemed to not have any adverse impact in this respect. Once complete, the new structure will provide a robust and secure support for both new and existing structures without detriment to the overall stability of the building, adjoining properties or Highway.

The report advises that groundwater levels are between 5 to 6 metres below the existing ground level and therefore the proposed basement excavation would be constructed above the water table, which would be confirmed by on-site investigations. The report advises that the introduction of the proposed lower ground-floor would not impact on groundwater with the basement constructed above the water table and with mitigation in place, there is no long-term impact expected on groundwater, surface water and flooding.

Based on the findings from the screening assessment and BIA, which have been produced by persons with relevant qualifications, sufficient information has been provided to the Local Planning Authority to confirm that the proposed would not increase flood risk from all sources and suitable mitigation measures in place to reduce flood risk in compliance with Policy LP21 of the Local Plan, the Strategic Flood Risk Assessment (2021), Basement Assessment User Guide (2021) and the aims and objectives of the NPPF. Conditions requiring the development to be carried out in accordance with the submitted FRA and BIA are suggested.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

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

Housing Land Supply

Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

At the time of writing, the Council is able to demonstrate more than 5 years of housing land supply including buffer and has a Local Plan which has been adopted within the last five years. Therefore, for the purpose of determining this planning application, the LPA is able to demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). The ordinary planning balance having regard to the statutory test in section 38(6) of the 2004 Act is therefore engaged

8. PLANNING BALANCE AND RECOMMENDATION

The NPPF has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 6 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations. Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in the NPPF it is considered that the 'ordinary' balance should be applied, this means clearly identifying that the proposal complies with the development plan and the weight given to the material planning considerations.

In terms of the social benefits the site is in an accessible location, would contribute to housing tenure close to services, and in an area where the London Plan actively encourages densification. The development for shared co-living space, akin to a HMO would add to the housing supply in the borough. The development would provide some very limited opportunity for soft landscaping and would introduce a range of sustainability initiatives, including a blue roof which would benefit the site and context. It will not harm any acknowledged interest of either local or regional importance and would provide an enhanced and more attractive environment within the confines of the yard area itself, which is currently functional. The proposal would deliver a product which will contribute towards ensuring there are a mix and choice of homes.

In terms of environmental impacts, the site comprises previously developed land which will reduce pressure on undeveloped sites. The proposal seeks to make effective reuse of an unused brownfield site, within a sustainable and urban area, providing future occupiers with access to sustainable transport connections, reducing the reliance on private vehicles. The functional nature of the site means that it is of low ecological value. The development provides enhanced landscaping, which addresses the public realm, enhanced surveillance and security and other energy efficiency measures which will reduce emissions by over 13% under the 'Be Lean' category and over 45% under the 'Be Clean' category. The site therefore contributes positively to the environmental arm of sustainability.

In terms of economic impacts, the development, through providing good-quality co-living style accommodation with homeworking options built-in would introduce an economically active population that will represent inward investment and provide a significant boost to the local economy through increased patronage, helping support existing local jobs, services and facilities. The development will bring permanent economic benefits through additional household expenditure. In terms of temporary economic benefits, the proposed development will generate turnover and temporary employment for construction firms and related trades.

Having assessed all three dimensions of sustainable development; economic, environmental and social within this report it is concluded that the development of this site will be of an: -

- Acceptable design which preserves the character of the area and setting of the adjacent CA
- Not cause significant detrimental impact to residential amenity
- Maximise opportunities for use of public transport, walking and cycling
- Manage flood risk and drainage effectively
- Have no significant adverse impacts on features of landscape or ecological value
- Provide appropriate infrastructure to meet the needs generated by the development

For these reasons, the proposal is considered to constitute sustainable development and accords with the Development Plan. The material considerations have been fully considered and the application is therefore recommended for approval subject to the stated planning conditions.

The development would not appear overly dominant or specifically result in harm to neighbouring amenity by appearing more enclosing/overbearing. The development will provide an acceptable living environment with the cycle-parking, proposed servicing, sustainability features to serve the development generally acceptable, subject to conditions.

These factors represent public benefits which are afforded weight in the planning balance. It is considered that the application would be acceptable when assessed against the policies in NPPF (2021), London and Local Plan, when taken as a whole.

Refuse planning permission for the following reasons

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

Case Officer (Initials):VAA Dated: 03.11.2022

Recommendation agreed by:

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager: 

Dated:04.11.2022.....