

<b>APPLICATION</b>	<b>22/1225/FUL</b>
<b>ADDRESS</b>	<b>Car Park At St Margarets Business Centre, Godstone Road, Twickenham,</b>
<b>PROPOSAL</b>	<b>Erection of 3 no. residential dwellings (Class C3) with associated parking, access and landscaping.</b>
<b>APPLICANT</b>	<b>Beth Lambourne</b>
<b>AGENT</b>	<b>Pegasus Group</b>
<b>CONTACT OFFICER</b>	<b>Thomas Faherty</b>
<b>APPLICATION RECEIVED</b>	<b>13.04.2022</b>
<b>WARD</b>	<b>St Margarets and East Twickenham Ward</b>

[https://www2.richmond.gov.uk/lbrplanning/Planning\\_CaseNo.aspx?strCASENO=22/1225/FUL](https://www2.richmond.gov.uk/lbrplanning/Planning_CaseNo.aspx?strCASENO=22/1225/FUL)



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**1. SUMMARY**

1.1 St Margarets Business Centre is currently a wholly industrial site consisting of 7 industrial units constructed in 1988 and has been designated as 'Locally Important Industrial Land and Business Park'(LILBP) in the Local Plan. This scheme relates to the eastern side of the site which currently consists of a parking area associated with the use of the industrial site but which falls outside of the LILBP designation. The site

can be accessed from Drummonds Place via Winchester Road which form the southern and eastern edges of the site, respectively.

- 1.2 The application follows on from an earlier application ref: 20/2664/FUL for 4 dwellings on this site, which was previously refused by the Council for reasons relating to a loss of ancillary industrial/employment land, character & design, loss of trees/biodiversity, parking/highways and affordable housing. The decision was then upheld at the subsequent Appeal (Ref; APP/L5810/W/21/3268141), although only on the grounds that related to the effect on the character and appearance of the area, including the effect of the removal of protected trees. The Inspector accepted the principle of development on this ancillary industrial site, and given there has not been any significant policy change with regard to industrial/employment land since the Appeal, the principle of redevelopment to residential land is accepted.
- 1.3 The proposal now involves a reduction to three, 4-bedroom units, which would be re-orientated to face Winchester Road instead of Godstone Road, with front and rear gardens to the east and west respectively. The concept provides a distinctive modern design, but of a scale related to the location, aligned with Winchester Road. The units would achieve high sustainability standards, including providing a 56% reduction in CO2 emissions through measures such as the installation of air source heat pumps and the provision of a green roof. The units are considered to be well-designed, and while there are some concerns that the development would appear somewhat cramped on this side of the site, on balance, and given the overall acceptable design and retention of trees on the northern side of the site, this is now not considered to warrant a reason for refusal.
- 1.4 The trees on this site are protected by a group TPO, no: T1049. The proposal involves the retention of most of the trees, but does require the removal of two Category B hornbeams, one Category C Hornbeam one Category C cherry. The applicants argue the removal of the hornbeams and replacement are proposed to facilitate the construction stage of the development and also because the replacement planting offers a more sustainable relationship with dwellings once occupied. Following advice from the Council's Tree Officer, revised plans were submitted which involved shifting the proposed building away from the northern boundary of the site in order to provide more space to the TPO trees. The revisions are considered to improve the relationship between the building and the trees that bound the north of the site and Godstone Road by increasing the distance from the Hornbeam nearest the northwest corner of the building. It is considered that the relationship between the development and the trees can now be successfully managed, although this will require a tree management condition to ensure the long-term retention of the trees. The applicants have also offered a CAVAT contribution of £82,580 to the Council to off-set the loss of trees on the site, and noted that the strip of land containing the trees to the north will be retained and managed as a collective by the 3 properties (rather than be incorporated within the boundaries to Unit 1).
- 1.5 The 3 dwellings would comply with relevant planning guidelines for floorspace standards, private amenity space, and are not considered to harm the amenity of neighbouring properties, noting that the two first floor bedroom windows on the western elevation would feature obscure glazing. The proposal would provide a sufficient level

of parking to meet London Plan standards, and sufficient evidence has been submitted to indicate there would not be any significant highway and pedestrian safety issues resulting from the new vehicle access.

- 1.6 Finally, and in addition to the CAVAT payment, the applicant is willing to enter into a Section 106 legal agreement to contribute £299,649 towards the provision of off-site affordable housing within the borough, while the development will also be liable for a Mayoral and Borough Community Infrastructure Levy.

**It is recommended that the Planning Committee GRANTS planning permission subject to a legal agreement and the conditions and informatives listed in Sections 10 and 11 of this report. Full reasons are identified in section 9 of this report.**

**2. REASON FOR PLANNING COMMITTEE DETERMINATION**

- 2.1 A request to refer the application to the Planning Committee in the event of an officer recommendation being for approval was received from Councillor Ehmann, on the grounds that the proposed development will impact mature tree cover, impact residents (including potential overlooking issues) and reduce very scarce parking, while simultaneously adding parking demand (both resident and goods/services delivered to the residences).
- 2.2 The Council’s Constitution allows a Councillor to ‘call’ an application to Committee providing the request is received within 21 days of the application appearing on a weekly list: this complies and therefore the Constitution does not give the Assistant Director of Environment & Community Services (Planning & Transport Strategy) delegated powers to determine the application.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 St Margarets Business Centre is located in St Margarets and East Twickenham Village within a protected view from Ham House to Orleans House. The site can be accessed from Drummonds Place via Winchester Road which are located on the southern and eastern edges of the site, respectively. St Margarets Business Centre is currently a wholly industrial site consisting of 7 industrial units constructed in 1988 and has been designated as a Locally Important Industrial Land and Business Park in the Local Plan. The scheme relates to the eastern side of the site which currently consists of a parking area associated with the use of the industrial site and falls outside the designation. To the south, the southwestern railway line and the footbridge over the tracks linking Amyand Park Road and Winchester Road can be found providing public views of the site from an elevated position.
- 3.2 The site is not statutorily or locally listed and does not fall within a Conservation Area. However, the site does fall within the Flood Zone 2 and is potentially contaminated due to past Industrial Land Use. It is also noted to be within the St Margarets Village Character Area.
- 3.3 The boundary of the Amyand Park Road Conservation Area is situated to the south of

the southwestern railway line.

#### **4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The proposal comprises the erection of 3 residential dwellings (Class C3) with associated parking, access and landscaping. All dwellings are proposed to be 3 storeys and consist of 4 bedroom houses. Each of the units are proposed to have front and rear gardens to the east and west respectively, while the northernmost garden would also include a garden on the northern side which would retain most of the existing trees. A new vehicle access is proposed to replace the existing access on the southern side of the site and would provide access to three vehicle parking spaces, one for each unit.

##### **Relevant History/background:**

- 4.2 20/2664/FUL – Erection of 4 residential dwellings (Class C3) with associated parking, access, and landscaping (including removal of existing trees) – Refused on 21/12/2020 for the following reasons:
- Character & Design – The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. The proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).
  - Parking/Highways – In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4 no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore contrary, in particular, to policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).
  - Affordable Housing – The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to Policy LP36 of the Local Plan (2018) and adopted Supplementary Planning Guidance 'Affordable Housing'.
  - Loss of trees/biodiversity – Due to the loss of trees with special amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment and is thereby detrimental to the street scenes. This is contrary to, in particular, Policies LP1, LP15 and LP16 of the Local Plan (2018).
  - Loss of ancillary industrial/employment – The proposal would result in the complete loss of existing ancillary industrial land and without adequate replacement land or a marketing exercise in accordance with Appendix 5 of the

Local Plan to demonstrate there is no longer any demand for such land, this would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and Economy Study (2015), and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012)

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

**5. DEVELOPMENT PLAN**

5.1 The main Development Plan policies applying to the site are:

**Richmond Local Plan (2018)**

Issue	Local Plan Policy
Local Character and Design Quality	LP1
Impact on Amenity and Living Conditions	LP8
Local Environments, Pollution and Land Contamination	LP10
Biodiversity	LP15
Trees, Woodland and Landscapes	LP16
Green Roofs and Walls	LP17
Climate Change Adaptation	LP20
Flood Risk and Sustainable Drainage	LP21
Sustainable Design and Construction	LP22
Waste Management	LP24
New Housing	LP34
Housing Mix and Standards	LP35
Affordable Housing	LP36
Infill, Backland and Backgarden Development	LP39
Employment and Local Economy	LP40
Industrial Land and Business Parks	LP42
Sustainable Travel Choices	LP44
Parking Standards and Servicing	LP45

**London Plan (2021)**

Issue	London Plan Policy
Building strong and inclusive communities	GG1
Delivering good design	D4
Inclusive design	D5
Housing quality and standards	D6
Fire safety	D12
Increasing housing supply	H1
Small Sites	H2
Delivering affordable housing	H4

Housing size mix	H10
Biodiversity	G6
Trees and woodlands	G7
Air quality, greenhouse gas emissions	SI, SI2
Flood risk and sustainable drainage	SI13, SI12
Transport	T4, T5, T6

These policies can be found at

[https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

## 6. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework (NPPF) (2021) sections

Section 2: Achieving Sustainable Development

Section 4: Decision-making

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

These policies can be found at:

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

### Supplementary Planning Documents

- Transport SPD (2020)
- St Margarets Village Planning Guidance SPD (2017)
- Design Quality SPD (2006)
- Residential Development Standards SPD (2010)
- Affordable Housing SPD (2014)
- Strategic Flood Risk Assessment (2020)
- Small & Medium Housing Sites SPD (2006)

### Richmond Publication Local Plan (Regulation 19 version)

- 6.1 The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all representations received, was considered at Full Council on 27 April. Approval was given to consult at Regulation 19 and, further, to submit the Local Plan to the Secretary of State for Examination in due course.
- 6.2 The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course.

- 6.3 The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.
- 6.4 The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement at this stage; all other aspects and requirements of these policies will apply.

Issue	Publication Local Plan Policy
Living Locally and the 20-minute neighbourhood	1
Spatial Strategy: Managing change in the borough	2
Place-based Strategy for Twickenham, Strawberry Hill & St Margarets	
Tackling the climate emergency	3
Minimising Greenhouse gas emissions and promoting energy efficiency	4
Energy Infrastructure	5
Sustainable construction standards	6
Waste and the circular economy	7
Flood risk and sustainable drainage	8
Water resources and infrastructure	9
New Housing, Affordable Housing, Housing Mix and Standards	10, 11, 13
Housing Needs of Different Groups	12
Infill and Backland Development	15
Small Sites	16
Managing the impacts of development on local surroundings	19
Protecting the Local Economy	21
Promoting jobs and our local economy	22
Industrial land	24
Affordable, flexible and managed workspace	25
Local character and design quality	28
Urban Greening	38
Biodiversity and Geodiversity	39
Trees, Woodland and Landscape	42
Design process	44
Amenity and living conditions	46
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48

Local Environmental impacts	53
Delivery and Monitoring	55

These policies can be found at [https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

7.1 As stated above, Councillor Ehmann commented that that the proposed development will impact mature tree cover, impact residents (including potential overlooking issues) and reduce very scarce parking, while simultaneously adding parking demand (both resident and goods/services delivered to the residences).

7.2 The application was publicised in accordance with the Local Planning Authority’s requirements as detailed in the Town and Country Planning (General Management Procedure) (England) Order. A total of 110 third-party representations have been received from 99 different properties/organisations in objection to the application. The reasons are summarised below:

- Loss of some of the existing protected trees is unacceptable, they should all be retained.
- The affected trees were gifted to the community when the business park was first developed. The planting of the trees was a condition of the original planning permission for the business park being granted in the first place.
- The previous appeal decision should be upheld again in relation to trees.
- The remaining trees will likely to be damaged during construction.
- Loss of further trees will contribute to current climate emergency.
- Losing trees will reduce habitat/biodiversity, including for birds and bats.
- Any replacement planting will not compensate for the loss of trees and wildlife.
- Loss of aesthetic value created from trees.
- Proposal is contrary to policies LP15 and LP16 of the Local Plan.
- Trees act as a natural barrier against the railway line.
- Proposal represents an overdevelopment of the site.
- Adverse impact on the character and appearance of the area.
- The design of the proposed houses, including materials, is in stark contrast to the coherent brick built Edwardian buildings surrounding the site.
- Proposal will lead to further parking stress.
- Increased traffic and pollution from the development.
- Concerns over highway and pedestrian safety.
- Proposal will lead to access problems to the existing business park, which will threaten its long-term viability.
- This proposal to change the use of existing industrial space has not followed the Council’s Local Plan, which notes development proposals should consider social infrastructure or community uses.



- Noise and disturbance from traffic generation.
- More residents would put pressure on existing services such as schools and healthcare in the area.
- Overlooking/loss of privacy.
- The site should be redeveloped into green space, a park or ecological haven.
- The development does not provide appropriate affordable housing and fails to comply with Policy LP36.

### 7.3 Internal consultations:

- Policy – No objections subject to the applicant entering completing a s106 agreement to secure an affordable housing contribution of £299,649.
- Ecology – No objections subject to various essential conditions.
- Trees – No objections following revisions to shift the proposed building away from the northern boundary of the site to provide more space to the TPO trees.
- Transport – No objections subject to the applicants entering into a s106 agreement restricting future occupants from obtaining parking permits in the area in any CPZ, and a CMP by pre-commencement condition.
- Environmental Health (Contaminated Land) – No objections subject to standard contaminated land condition (excluding part 1a of the condition which the applicants have satisfied through their contamination report).
- Lead Local Flood Authority – Application is outside of LLFA’s remit as a statutory consultee. Case Officer assessment should ensure development complies with national, regional and local policy on surface water management and local flood risk

### **Amendments**

7.4 Following discussions with the Council, the applicants have made amendments to the application, which include shifting the proposed building away from the northern boundary of the site to provide more space to the TPO trees and chamfering the building to provide improved sightlines to the first parking bay.

7.5 A new round of public consultations was subsequently conducted and a further 4 comments were made in response to this. These are summarised as follows:

- Amendment to application does not remove earlier objections.
- Trees are not sufficiently protected in the plans.
- The roots of the mature trees particularly on the north side of the proposed development almost reach the nearest house site. They will continue to grow and will undermine the foundations and are likely to be removed in future.
- As pollution increases so does the value of the trees with their carbon capturing ability.
- Previous application was refused due to loss of trees, and new proposals do not alter the fact that the trees and protected wildlife in this location will be damaged by this development.
- Development will damage habitat for bats and other species.
- Design of houses not in keeping with the area.

- Dimensions of properties not desirable and applicants likely to change plans once approved

## **8. EXPLANATION OF OFFICER RECOMMENDATION**

8.1 The main planning considerations in this case are:

- i. Principle of Development;
- ii. Housing Standards;
- iii. Design and Siting;
- iv. Affordable Housing;
- v. Sustainability and Renewable Energy Targets;
- vi. Access, Parking and Transport Considerations;
- vii. Ecology;
- viii. Trees;
- ix. Residential Amenity;
- x. Flood Risk & Sustainable Drainage;
- xi. Land Contamination;
- xii. Fire Safety
- xiii. Housing and Land Supply
- xiv. Local Finance Considerations

### ***Issue i – Principle of Development***

8.2 Although the loss of employment/industrial land formed one of the reasons for refusal in the previous application (20/2664/FUL), this reason was not upheld by the Inspector. As stated by the Inspector in the Appeal decision “I find that the site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it existing industrial premises. Accordingly, the proposal would not conflict with the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land.” Therefore, the Council can raise no further concerns with regard to the principle of redeveloping the site to residential.

### ***Issue ii – Housing Standards***

#### Housing Mix

8.3 Policy LP35(A) states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location.

8.4 All of the proposed units would be fairly expansive in their size, and incorporate 4 bedrooms. As such the Council are satisfied that these units would provide appropriate family-sized accommodation in line with the interests of Policy LP 35(A) of the Local Plan.

#### Internal Space Standards

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

- A double bedroom should be 11.5sqm and 2.75m wide
- Head height should be at least 2.3m for a minimum of 75% of the gross internal floor area
- Suitable storage space to be incorporated into units
- Communal gardens to be sheltered from roads and not overlooked from habitable rooms.

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

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

8.6 Policy LP 35 (B) requires new housing to comply with the nationally described space standard. The proposal is for two 4 bedroom, 6 person, 3 storey dwellings and one 4 bedroom, 7 person, 3 storey dwelling. The standards set out in the above table set a minimum gross internal floor area of 112sqm for a 4 bedroom, 6 person, 3 storey dwellings and 121sqm for a 4 bedroom, 7 person, 3 storey dwelling. As set out below, each of the dwellings meet the minimum requirements:

- House 1 (4B 6P) – 112
- House 2 (4B 7P) – 121
- House 3 (4B 6P) – 127

Whilst the proposed houses contain one bedroom in the second floor and do not contain regular windows, they do contain large roof windows which are considered to be adequate to provide appropriate lighting into these rooms. In addition, whilst the floor to ceiling height is restricted in some sections of these rooms, the dwellings do comply with the required 2.3m for 75% or more of the floor space within each of the dwellings.

Amenity Space

8.7 The requirements of Policy LP35 and the Residential Development Standards SPD continue to apply to external amenity space. The type and size of space will vary according to the size and use of the dwelling unit. Accommodation likely to be occupied by families with young children such as the ones proposed should have direct and easy access to a good-sized private garden.

- 8.8 Policy LP35 states that amenity spaces should be:
- a. private, usable, functional and safe;
  - b. easily accessible from living areas;
  - c. orientated to take account of need for sunlight and shading;
  - d. of a sufficient size to meet the needs of the likely number of occupiers; and
  - e. accommodation likely to be occupied by families with young children should have direct and easy access to adequate private amenity space.
- 8.9 Amenity spaces are proposed to the front and rear of each property (east facing and west facing respectively), with a combined area of at least 40sqm. Whilst the front garden amenity spaces would not be private, the rear spaces would be private and would be considered acceptable in order to meet the above requirements set out in Policy LP35. The houses are also within a short walking distance of Moor Mead Park with its children's playground, playing fields and general green space. As such, no objection is therefore raised in relation to this part of the scheme, and it is likely to comply with Policy LP35.

#### Inclusive Access

- 8.10 Since 1 October 2015, 90% of new housing in a development is expected to meet Building Regulation Requirement M4(2) 'accessible and acceptable dwellings' and 10% is expected to meet Building Regulation Requirement M4(3) 'wheelchair user dwellings'. This is set out in Policy LP35(E). Both M4(2) and M4(3) require step-free access, the use of wheelchair lifts to provide access to upper floors may also be required for multi-storey development proposals.
- 8.11 The submitted Design & Access Statement confirms the proposed dwellings will meet M4(2) accessible and adaptable dwelling standards. This includes the provision of:
- A step-free entrance and ground floor plan in each house.
  - A step-free WC at the ground level of each dwelling, including sufficient space for adaptation for a future shower location.
  - Stair flights will have a minimum width of 900mm.
  - Entrance doorways at 850mm clear opening.
  - All Internal doorways with a minimum 775mm clear opening.
  - A 750mm clearance zone around all double beds and to one side and end of single beds.
- 8.12 As such, the proposal is considered to accord with Policy LP35 of the Local Plan.

#### Amenity of future occupants

- 8.13 It is considered that the fenestration associated with all of the units would largely provide prospective occupants with an adequate amount of outlook, daylight and ventilation. It is noted that the two first floor west elevation windows for the second unit are proposed to be obscure glazed and non-openable. The side of these windows contains transparent glass along with two areas of restricted opening to allow air flow. This does help to mitigate the reduced outlook and air flow into these bedrooms, however on balance the remaining obscure glazing is not considered to be a

satisfactory outcome for new habitable rooms, and some concerns are raised in this regard.

- 8.14 A Noise and Vibration Impact Assessment has been submitted with the application, which concludes that the reradiated noise due to the nearby train tracks would not contribute to the overall airborne noise level experienced within the properties, and that the vibration levels from the train activity are below the threshold of human perception. The proposed mitigation includes a glazing specification, which is considered to be acceptable.

***Issue iii – Design and Siting***

- 8.15 Policy LP1 of the Local Plan of the Local Plan states that all development must maintain and enhance the high-quality character and heritage of the borough and its villages. Development proposals must demonstrate a thorough understanding of the site and its relationship to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.
- 8.16 Policy LP39 states all infill, back garden and back land development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours by:
- Retaining plot widths and similar spacing between dwellings
  - Retaining appropriate garden space for adjacent dwellings
  - Respecting local context in terms of building heights
  - Enhance street frontage
  - Reflecting materials and local character
  - Retaining and re-provide important features important to character, appearance and wildlife eg. trees and landscape
  - Resulting in no unacceptable adverse impacts on neighbours including loss of privacy
  - Provide adequate servicing, recycling, refuse and cycle storage
  - Resulting in no adverse impact on neighbours in terms of visual impact, noise or light from vehicle access or car parking
  - Protecting neighbouring amenity
- 8.17 The site lies at the end of a linear arrangement of tightly spaced semi-detached houses on Winchester Road and terraced maisonettes on Godstone Road. Both streets are 2-storey in nature and to the rear have well-defined 2-storey projecting elements which are set in from the gable-ends of the pairs of properties. As noted by the Appeal Inspector, these elements are clearly at the corners of street scenes and unusually in this case, from elevated views from the footbridge across the railway line to the south of the site. The site itself largely comprises a hardstanding with substantial boundary trees and vegetation used for vehicle parking associated with the St Margaret's Business Centre. The site has been the subject of an appeal for 4 terraced houses facing onto Godstone Road with 2-storey rear elements spanning their entire rear

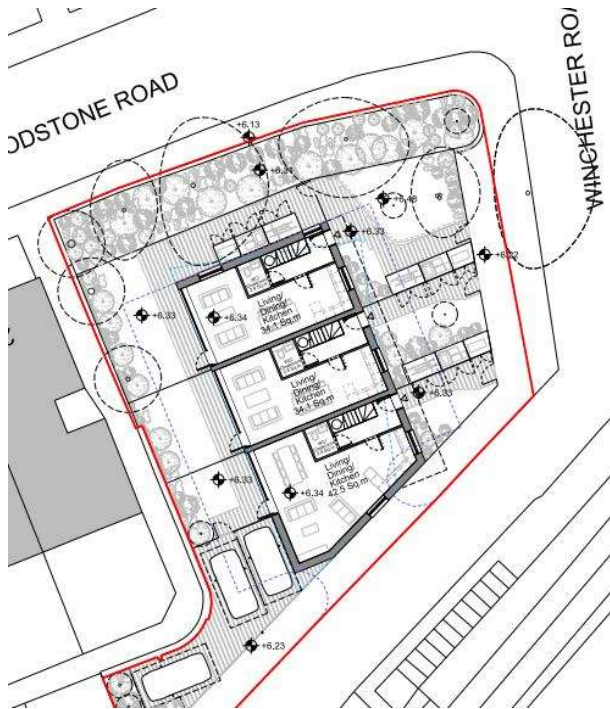
elevations together forming a single, flat roofed continuous feature as shown on the below illustration (Figure 1). At the appeal, the scale of development, design of the rear annexes and the loss of site trees were found to be unacceptable by the Inspector. In response, the agent has revised the scheme (see Figure 2) so that the quantum of development has reduced from 4 to 3 terraced houses and their positioning on site turned through 90 degrees so as to front onto Winchester Road rather than Godstone Road. The site is not a back garden or a back land site but is considered an infill in the wider street context to be assessed against LP39. It is noted that the plot widths generally relate to the established spacing of dwellings along both the Godstone Road and Winchester Road street scenes. The resiting of the houses has also allowed the retention of most of the protected trees and vegetation and is a clear improvement on the previous scheme. This will be discussed in more detail in later sections of this report.

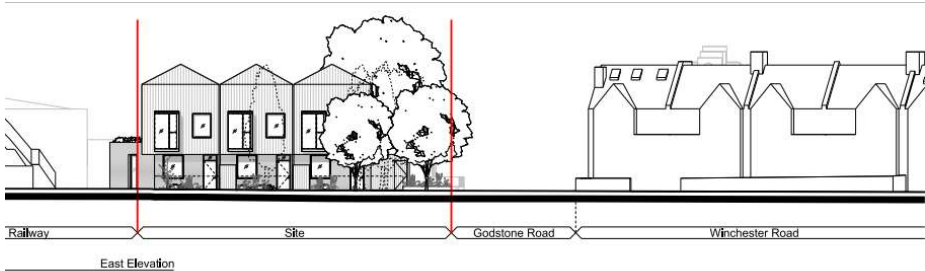
Figure 1. Proposal under Refused Application Ref: 20/2664/FUL



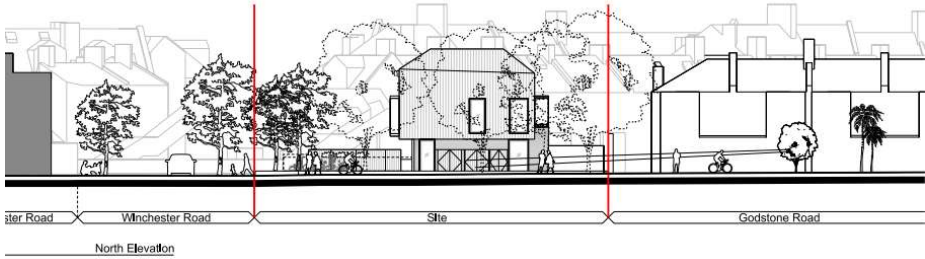


Figure 2 - Proposal under Current Application Ref: 22/1225/FUL

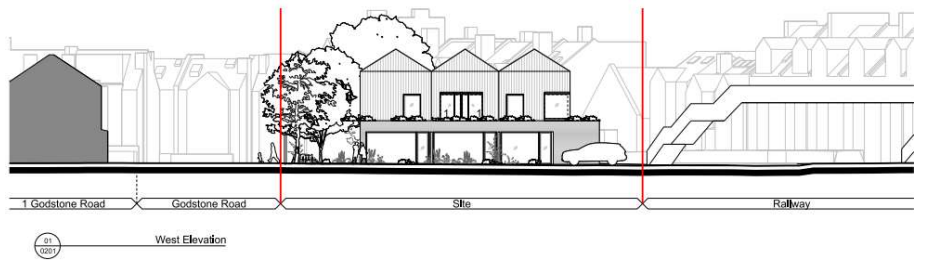




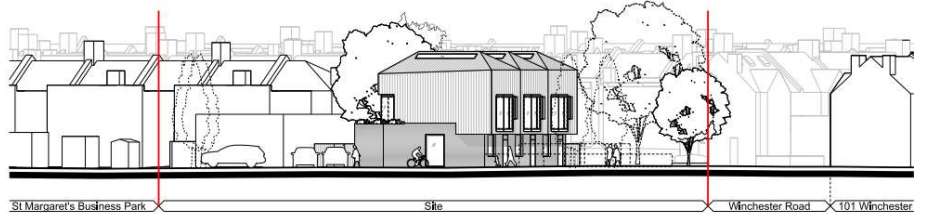
East Elevation



North Elevation



West Elevation







8.18 The design of the houses has this time taken a more contemporary approach. The concept provides a distinctive modern design but of a scale related to its location, aligned with Winchester Road. The oriel windows provide an individual character and feed into the modern design concept. In addition, the overall scale of the development will relate to neighbouring properties. However, in part due to the need to retain trees on the northern side of the site, concerns still exist with the cramped nature of the proposed three houses with the building being sited hard up against the southern boundary as well as providing limited back garden space for three, 4-bedroom family houses.

8.19 The Inspector objected to the proposed rear elements with the previous Appeal decision where it was stated that “the rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings. Consequently, the rear of the proposed development would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that

would fail to integrate appropriately with the surrounding development. The proposed building would be viewed as an overly bulky feature within the context of the surrounding townscape, and this would be appreciable from the adjacent road and would be a particularly unsympathetic feature when viewed from the elevated railway bridge. Thus, the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity.”

- 8.20 The applicant has removed rear annexes from the current house design and the only flat roof is at single storey height. The form and massing of the building would now appear more appropriate within the street context and the previous reason for refusal is considered to have been overcome in this regard. Notwithstanding this, the reorientation of the dwellings and retention of the trees on the northern boundary has created new concerns with regard to the cramped nature of the proposal which would be highly visible from the elevated railway bridge.
- 8.19 The Council’s Urban Design Officer has been asked to review the application and noted the overall design is now well considered, providing a modern design which is related to the scale of its surroundings. The proposal was therefore considered acceptable on design grounds subject to conditions relating to materials and landscaping as part of any approval. In terms of materials, each dwelling will have a brick ground floor level and front garden walls to reflect the existing traditional materiality of houses in the surrounding area. The wooded nature of the site is reflected in an alternative style where the upper storeys and roof will be clad in a vertical timber cladding which will be offset from the ground floor brick base. The submitted Design & Access Statement provides images of the proposed materials including open jointed timber cladding and a brick base that compliments the surrounding area. These materials are considered to be of a high quality and further details including samples are to be conditioned as part of any approval.
- 8.20 In light of the above, concerns with the previous appeal scheme have now been allayed by the removal of the rear elements of the buildings and reduction to three dwellings, however the reorientation of the dwellings and retention of the trees on the northern boundary has meant that some concerns linger with regard to the cramped nature of the proposal. Nonetheless, and on balance, while the proposal is not considered fully compliant with the relevant character and design policies, in particular Policy LP1 and LP39 of the Local Plan and associated SPD guidance, the high-quality of the design and materials means the development would now represent an interesting addition to the street scape and is supported by officers.

#### ***Issue iv – Affordable Housing***

- 8.21 Local Plan Policy LP36 states some form of affordable housing contribution will be expected on all new housing sites. The Council will seek the maximum reasonable amount of affordable housing when negotiating on private residential schemes, further details are set out in the Affordable Housing SPD.
- 8.22 The applicant submitted a completed Unilateral Undertaking (UU) as part of the previous appeal, securing the payment of this contribution towards affordable housing. While the Council contended that the appropriate contribution would be a 40%

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

- 8.23 Turning to the current application, the contribution that would be sought would be discounted to represent 15% affordable housing, given the proposal is now for three new build units. Following amendments submitted to the Council, an update of the affordable housing contribution was sought by the applicants as there has been a change to the unit mix (now 3 x 4 bed, including 2 x 6person and 1 x 7 person, as well as a slight reduction in size of the dwellings). As part of this, the applicant submitted an updated commuted sum proforma along with an updated pricing schedule (by Savills), suggesting an affordable housing contribution of £299,649 was appropriate.
- 8.24 The Council's Planning Viability Advisor has considered the updated position. It was advised that the open market values suggested by Savills are marginally higher than research on comparables and it was therefore recommended to accept the suggested contribution of £299,649.
- 8.25 This amount will be secured by a legal agreement as part of any approval of this application, and therefore the application complies with Policy LP36.

***Issue v – Sustainability and Renewable Energy Targets***

- 8.26 Policy LP20 (C) of the Local Plan states that new development, in its layout, design, construction, materials, landscaping and operation, should minimise the effects of overheating as well as minimise energy consumption in accordance with the following cooling hierarchy; the proposed scheme shows strong elements which complies with this overall.
- 8.27 Policy LP22 (A) states that developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. It states that residential buildings should achieve a 35% reduction in CO<sup>2</sup>. In addition, this policy requires that development of one unit or more comply with the Sustainable Construction Checklist SPD. Developments that result in a new residential dwelling, including conversions, will be required to incorporate water conservation measures to achieve maximum water consumption of 105 litres per person per day.
- 8.28 A Sustainable Construction Checklist is submitted with the application and achieves a score of 56.5 which is a 'B' rating which indicates that the proposal helps to significantly improve the Borough's stock of sustainable developments.
- 8.29 An Energy Statement has been submitted demonstrating that the proposal follows the be lean, be clean and be green principles required by Council policies, and would provide a 56% reduction in CO<sub>2</sub> emissions. The proposal secures the required 35% reduction beyond Building Regulations requirements. The submitted Sustainability Statement also confirms that the proposal would meet water conservation requirements.
- 8.30 In light of the above, the scheme is considered to comply with the requirements of the relevant sustainability policies, in particularly Policies LP20 and LP22.

***Issue vi – Highways, Parking and Refuse***Parking and Access

- 8.31 Local Plan Policy LP45 states that new development should provide appropriate cycle access and sufficient, secure cycle parking facilities. In accordance with the London Plan, the minimum cycle parking requirement for 1-bed units is one space, with two spaces required for all other dwellings.
- 8.32 In accordance with policy LP45 developments and redevelopments have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. For developments in areas with a PTAL of 0-3; 3 or more bedroom dwellings are required to provide 2 no. off-street parking spaces as set out within appendix 3 of the Local Plan. However, it is noted that the London Plan sets out a maximum of 1 space per family sized unit in this location. Whilst the Council's parking standards are set to a maximum, these standards are expected to be met unless it can be shown there would be no adverse impact on the area in terms of street-scene or on-street parking. This is reiterated in the parking standards set out in the London Plan which specifies that in outer London areas with low PTAL, boroughs should consider higher levels of provision, especially to address overspill parking pressures.
- 8.33 The proposal is for three residential dwellings, and the site has a PTAL of 2 and is within the controlled parking zone of St. Margaret's South, which operates from 10.00-16.30, Monday – Friday. Although the PTAL is only 2, this is mainly because St. Margaret's Station is on a branch line. The site is within 327m of a bus stop served by 10 bus trips per hour and is a reasonable walking distance to St. Margaret's Town Centre. As per above, the London Plan sets out a maximum of 1 space per family sized unit in this type of location, and in accordance with the Local Plan the maximum should normally be met. Whilst this differs from the Local Plan requirement, the London Plan standards are more recent and are considered to take precedence in this instance.
- 8.34 The proposal attempts to meet these standards by including one set of 3 parking bays on the northern side of Drummond Place to south-west corner of the site. This results in the need to widen an existing vehicular access from the northern side of a privately maintained road so it can provide access to the two spaces that are almost perpendicular to the carriageway, and 1 space (No. 3) that is almost 45 degrees to the carriageway. From the proposed southern elevation drawing provided, it appears the southern frontage of the site will be completely open. In terms of numbers, the provision of 3 spaces is in accordance with the London Plan. Furthermore, the Inspector did not object to the proposed 4 spaces for 4 residential dwellings under the previous application, and no objections have been raised to this by the Council's Transport Officer on the basis it accords with the London Plan. The applicants have submitted information to demonstrate appropriate visibility splays can be achieved for vehicle and pedestrian safety, and tracking curves to demonstrate that each of the spaces can be accessed safely. Furthermore, the applicants have confirmed that the footpath on the southern side of the site (which provides access to the business park) will be retained. The section of footpath to the southwest of the application site is within the ownership of the business park, and although this is included within the red line

application site, the applicants have served notice on the business park for this.

- 8.35 The Council's Transport Officer reviewed the scheme and advised that motorists will have unimpeded sight lines from all spaces. The footway which the access crosses over is not heavily used, given the location of just the business park to the west. The access road which residents will live north of operates one-way in an easterly direction. Because the proposed development is north of and the crossover faces on to a private road that has a lightly used footway on its northern side, and because the frontage immediately west of space 3 is completely open, on balance no highway safety-related objections were raised.

#### Construction Management Plan

- 8.38 In order to demonstrate the development may be carried out in a safe manner, the applicant will need to submit a detailed Construction Management Plan for the project. A suitable condition could be secured as part of any approval and the works would thereafter need to be carried out only in accordance with the approved Management Plan.

#### Cycle parking

- 8.39 Policy LP 44 of the Local Plan seeks the provision of appropriate cycle access whilst Policy LP 45 of the Local Plan advocates that development proposals should make for the provision of sufficient and secure cycle parking facilities.
- 8.40 Two secure, covered cycle spaces are indicated for each unit on the submitted drawings. A suitably worded condition would be included as part of any approval in order to ensure the required cycle stores are provided for each unit.

#### Refuse

- 8.41 Policy LP24 of the Local Plan, the Council's Residential Development Standards SPD and the Council's Refuse and Recycling Storage SPD require that secure storage be provided on-site for refuse and recycling bins. Bin enclosures are shown on the submitted plans, and further details of refuse storage for the new development can be conditioned as part of any approval of this application in order to safeguard the appearance of the surrounding locality and residential amenity of neighbouring occupiers and to ensure compliance with Policy LP24 and the Refuse and Recycling Storage Requirements SPD.

#### ***Issue vii – Ecology***

- 8.42 Policy LP15 of the Local Plan Biodiversity states that the Council will protect and enhance the Borough's biodiversity, and in particular the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. The Council will resist the loss of trees which are of value and encourage new high-quality landscaping and planting which reflects the surrounding environment.
- 8.43 The application site, whilst mainly hard surfacing, does provide a vegetation island adjacent to a wildlife corridor (the railway) and is located close to Moormead Site of Importance for Nature Conservation (SINC). The current trees and hedges, albeit

some are non-native, still provide nesting and food provision for wildlife.

- 8.44 The previous application was partly refused on the basis of loss of trees and in the absence of adequate replacement on-site planting, causing harm to local wildlife including birds and bats.
- 8.45 An Ecological Impact Assessment by Tyler Grange has been submitted with the current application. The Council's Ecology officer reviewed this document and other information submitted with the application and noted that:
- A sedum roof will not suffice, they have a niche invertebrate interest and a wildflower meadow would be more appropriate in this area.
  - Concerns are raised about introducing the proposed amount of glass where the bats are flying. In particular, the first and second floors in relation to T1, T2 and T3. The glass will need to ensure that internal light does not spill out and there must be no external lighting on the roof.
- 8.46 These matters were addressed under an updated ecology report and this was subsequently reviewed and accepted by the Council's Ecology Officer, subject to conditions as part of any approval relating to a Construction Environmental/Ecological Management Plan (CEMP), Hard and Soft Landscaping Works, External lighting, Ecological Enhancements, and Biodiverse green with brown features roof/s.
- 8.47 In light of the above, the proposal is considered to comply with Policy LP15 as it adequately protects the Borough's biodiversity.

***Issue viii – Trees***

- 8.48 Policy LP16 states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees.
- 8.49 The trees on this site are protected by group TPO T1049. As noted above, the previous scheme was refused due to the loss of trees, and this was upheld by the Inspector. The revised plans reorientate the proposed development, bringing the dwellings within the bounds of the current hardstanding area and reducing the scale of the development from 4 dwellings to 3. The revised proposal, as per the submitted Arboricultural Impact Assessment by Tyler Grange, involves the retention of most of the trees but does require the removal of two Category B hornbeams, one Category C Hornbeam one Category C cherry. The applicants argue the removal of the hornbeams and replacement are proposed to facilitate the construction stage of the development and also because the replacement planting offers a more sustainable relationship with dwellings once occupied. The removal of the cherry tree is not required to facilitate the

development but has been recommended due to its irremediable poor condition and the opportunity a newly planted feature tree presents. The removal will result in a temporary reduction in canopy cover to this part of Winchester Road, however this will be re-established and improved as the replacement planting matures. Tree pruning is proposed to some of the retained trees and 6 new trees are proposed on-site, including three silver birch 'Fastigiata' trees, two cherries and one sweet gum.

- 8.50 The Council's Tree Officer reviewed the application and while the removal of some trees was considered justified in this instance for the reasons provided by the applicants, but they did raise initial concerns over future pressure for removal and the reasonableness of the relationship between some of the retained trees and the northernmost unit.
- 8.51 Revised plans were submitted in response to these comments by the applicants which involved shifting the proposed building away from the northern boundary of the site in order to provide more space to the TPO trees. The revisions were considered by the Council's Tree Officer to improve the relationship between the building and the trees that bound the north of the site and Godstone Road by increasing the distance from the Hornbeam nearest the northwest corner of the building. It was noted the relationship between the development and the trees can now be successfully managed, although this will require a carefully worded condition to ensure the long-term retention of the trees is successful to prevent unacceptable loss of amenity, including works, timings, and identification of responsibilities over a substantial period of around 10+ years. A tree management condition has been agreed by the applicants in the event the application is approved, and it was noted the strip of land containing the trees to the north will be retained and managed as a collective by the 3 properties (rather than be incorporated within the boundaries to Unit 1).
- 8.52 The protection of the retained trees during the construction stage will require a detailed Arboricultural Method Statement (AMS). The AIA by Tyler Grange provides an initial strategy for protection to demonstrate how this can be achieved. A more detailed AMS can therefore recommended to be secured should the application be granted. Given the protected status of these trees the Council requires a community financial contribution for replacements in line with the CAVAT contribution offered by the applicants of £82,580, as per Policy LP16. Furthermore, other conditions recommended by the Council's Tree Officer include a pre-start meeting between the Council and the developers (including their arboriculturist), and tree planting and soft landscaping details.
- 8.53 In light of the above, the current proposal is considered to overcome the previous reason for refusal relating to trees, and now complies with Policy LP16 subject to meeting conditions.

***Issue ix – Residential Amenity***

- 8.54 Policy LP8 state in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into

and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.

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

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

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

8.55 The main properties to consider in relation to this proposal are 2 Godstone Road to the west, 98 and 99 Winchester Road to the east, and 100/102 Winchester Road and 1 Godstone Road to the north.

8.56 No objections were raised to the previous application on the grounds of neighbour amenity. However, the proposed dwellings have now been re-designed and re-orientated to face Winchester Road to the east of the site rather than Godstone Road to the north. The rear of the units would now face No.2 Godstone Road. The front section of No. 2 constitutes a brick wall with no windows, and the rear of No. 2 Godstone Road is partially screened behind a high boundary wall. The rear wall of the proposed units would be separated by approx. 5.5 metres from the shared boundary, and approx. 7 metres from the flank wall of No. 2.

8.57 A Daylight and Sunlight Assessment was submitted with the application, which was undertaken in accordance with BRE guidance. This made the following conclusions:

1) The proposed development would have an acceptable impact on the skylight of existing surrounding residential dwellings, complying with BR 209 guidance.

2) The proposed development would have an acceptable impact on the sunlight of existing surrounding residential dwellings, complying with BR 209 guidance.

3) The proposed development would have an acceptable impact on the sunlight of existing gardens, complying with BR 209 guidance.

4) All the proposed habitable rooms achieve the average daylight factors (ADFs) recommended in BR 209 in both summer and winter in each of the following three scenarios:

- Proposed development with no trees modelled.
- Proposed development with trees modelled at the size they are anticipated to be at the time of completion. Trees modelled with 55% winter transparency and 10% summer transparency.
- Proposed development with trees modelled at the size they are anticipated to be in 25 years' time. Trees modelled with 55% winter transparency and 10% summer transparency.



5) All the proposed habitable rooms receive the percentage of direct skylight recommended in BR 209. 6) All the proposed kitchen/living rooms achieve the annual probable sunlight hours (APSH) and annual probable sunlight hours (WPSH) recommended in BR 209 in each of the following three scenarios:

- Proposed development with no trees modelled.
- Proposed development with trees modelled at the size they are anticipated to be at the time of completion. Trees modelled with 55% winter transparency and 10% summer transparency.
- Proposed development with trees modelled at the size they are anticipated to be in 25 years' time. Trees modelled with 55% winter transparency and 10% summer transparency.

6) The occupants of each dwelling would have access to a private garden that receives the sunlight levels recommended in BR 209.

8.58 Policy LP8 of the Local Plan advises that a minimum distance of 20m between habitable rooms within separate developments should be achieved in order to maintain privacy, or 13.5m for non-habitable rooms. As noted above, the proposed development would only be separated by approx. 7m from No. 2 Godstone Road. There are two side elevation windows at No. 2 which are potentially affected by the proposal; separated by approximately 9.35m. The rear garden to No.2 is protected by a high brick wall of 4m height. The applicants have sought to mitigate any overlooking concerns by designing the units so that most of the upper floor glazing is situated within the east and south elevations. Nonetheless, five, first floor bedroom windows are still proposed to face No. 2 and its garden area to the west, however two of these windows (in the middle unit) would include obscure glazing which can be further conditioned to be non-opening as part of any approval. There are two narrow elements of these windows which could partially open, however these are noted to have restrictors which would ensure the windows could not be opened completely. Retained boundary vegetation would further restrict any views of No. 2 from these windows. No overlooking glazing is proposed at second floor level, with the applicants instead opting for rooflights. The glazing at the northernmost unit would have restricted views of No. 2 due to the location of a tree (T1). The first floor west facing bedroom windows for the southernmost unit would have a restricted view due of rear gardens at properties to the west due to the large wall on the rear boundary of the site. However, the proposed first floor windows would sit slightly higher than the wall and noting the height and sighting of the building overall, it is considered that there would be some undue impact on the neighbours at 2 and 4 Godstone Road, with the potential for visual intrusion and actual/perceived overlooking from the proposed windows to their properties. The applicants have submitted a drawing (Proposed Section CC) which indicates that existing ivy vegetation on the boundary wall would be maintained to provide visual screening. However, it is noted that this vegetation does not run at a consistent height along the length of the boundary wall, and some the windows at the southernmost unit continue to be of concern with regard to their potential for overlooking.

8.59 All other properties to the north, south, east and west are considered to be adequately separated from the proposed development so as not to cause any further undue privacy impacts or appear visually intrusive.

- 8.60 A Noise and Vibration Impact Assessment has been submitted in relation to the proposed plant to be installed within the front garden areas. This concludes that the noise emissions from the proposed plant units would not have an adverse impact on the nearest residential receivers, subject to mitigation which includes a fence / wall to be installed around each unit and the installation of anti-vibration mounts.
- 8.61 In light of the above, the proposal is considered to result in some undue impact on the neighbours at 2 and 4 Godstone Road, with the potential for visual intrusion and actual/perceived overlooking from the first floor rear elevation bedroom windows to their properties. As such the proposal complies with Policy LP8 and associated SPD guidance.

***Issue x – Flood Risk & Sustainable Drainage***

- 8.62 Policy LP21 of the Local Plan advocates that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater, and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.
- 8.63 The car park site is located within Flood Zone 2, as defined in the SFRA, which indicates a moderate probability of flooding. According to the Council's Interactive Flood Maps, the site is also in an area susceptible to groundwater flooding (75% risk or more). The proposal involves new houses and associated hard surfacing. In response to this, a Flood Risk Assessment and Drainage Strategy Report has been submitted with the application. It was concluded that the residual risk of flooding to the site can be effectively managed by setting the proposed buildings ground floor levels above the predicted flood level of 6.34mAOD for the 0.1% AEP. A Surface Water Drainage Strategy (SuDS) has also been developed for the site comprising of these components, which would ensure that surface water flows are controlled.
- 8.64 The NPPF, in paragraph 159, says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 8.65 The NPPF, in paragraph 162, says the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 8.66 The PPG explains the application of the sequential approach as follows: The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 8.67 The PPG states in decision-taking, where necessary, local planning authorities should apply the 'sequential approach'. In decision-taking this involves applying the

Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding. Paragraph: 019 Reference ID: 7-019-20140306 makes clear that the starting point for the Sequential Test is to determine if there are reasonably available sites in flood zone 1. If the Sequential Test demonstrates that no site in flood zone 1 is reasonably available for the development, then a site in flood zone 2 can be considered. If the Sequential Test demonstrates that no site in flood zone 2 is reasonably available for the development, then a site in flood zone 3a can be considered. Table 3 then has effect by setting out that development classified as 'more vulnerable' can only be permitted in flood zone 3a if the Exception Test is applied and passed. Development that is 'less vulnerable' and 'water compatible' can be permitted in flood zone 3a (after the Sequential Test) without the need for the Exception Test.

- 8.68 Paragraph: 034 Reference ID: 7-034-20140306 of the PPG says it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.
- 8.69 *Policy LP21 of the Local Plan states future development in Zone 3a and Zone 2 will only be considered if the 'Sequential Test' has been applied in accordance with national policy and guidance. However, there will be some exceptions to this. The Sequential Test will not be required if it is not a major development (2) and at least one of the following applies:*
- *It is a Local Plan proposal site that has already been sequentially tested, unless the use of the site being proposed is not in accordance with the allocations in the Local Plan.*
  - *It is within a main centre boundary as identified within this Local Plan (Richmond, Twickenham, Teddington, Whitton and East Sheen).*
  - *It is for residential development or a mixed use scheme and within the 400 metre buffer area identified within the Plan or surrounding the centres referred to above.*
  - *Redevelopment of an existing single residential property.*
  - *Conversions and change of use.*
- 8.70 The Sequential Test will be required in all other cases including for the current proposal given it does not meet one of the above sections. In accordance with this requirement, the applicants have submitted a Flood Risk Sequential Test report. The proposed development, based on its residential, is classed as 'more vulnerable'. Given the proposal would be for a 'More Vulnerable' use (i.e. residential dwellings) within Flood Zone 2, the 'Sequential Test' set out in national and local policy applies. The submitted Sequential Test responds to recent requirements of the NPPG, which seeks identification of any other 'reasonably available' sites within the area of search, that

have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. A site is only considered to be reasonably available if it is both 'deliverable' and 'developable' as defined within the NPPF

- 8.62 The Sequential Test has been undertaken by the planning agents (Pegasus Group) on a borough wide basis using those allocated within the adopted Richmond Local Plan and the Draft Richmond Local Plan. A search of land available on Rightmove, On The Market, Zoopla, and Estates Gazette has also been undertaken for available land for sale on the open market within the borough. Sites that are of similar size, as well as those 25% smaller and larger, have been considered as part of the Sequential Test. The application of a +/- 25% is deemed appropriate as allows flexibility of alternative sites to accommodate the proposed development. In addition, in assessing any qualifying sites it sets out the justification for rejecting each site. Furthermore, it includes the list of all sites considered and the reasons why they were rejected and did not qualify. Generally, the Sequential Test has been prepared in light of the current guidance and the approach set out within the SFRA.
- 8.62 The results of the Sequential Test indicate other sites within the assessed area are unsuitable for the proposed scheme or unavailable. The search found that there were no currently available sites on the open market/site allocations within the London Borough of Richmond that would be comparable development sites. On this basis, it has been demonstrated that the Sequential Test has been satisfied and the requirement of policy LP21 complied with.
- 8.62 The Exception Test is not required in this instance, given the type of proposed uses and the site being within Flood Zone 1 and 2.

#### ***Issue xi – Land Contamination***

- 8.63 Policy LP10 notes that the Council promotes, where necessary, the remediation of contaminated land where development comes forward. Potential contamination risks will need to be properly considered and adequately mitigated before development proceeds.
- 8.64 The site and surrounding area has been subject to former potentially contaminative land uses. In response to this, the applicant has submitted a Contamination Report. The Council's Environmental Health officer reviewed the application and recommended the standard contaminated land condition be applied to any approval.

#### ***Issue xii – Air Quality***

- 8.64 Section B of Policy LP10 states that the Council promotes good air quality design and new technologies. Developers should secure at least 'Emissions Neutral' development. To consider the impact of introducing new developments in areas already subject to poor air quality, the following will be required:
1. an air quality impact assessment, including where necessary, modelled data;
  2. mitigation measures to reduce the development's impact upon air quality, including the type of equipment installed, thermal insulation and ducting abatement technology;

3. measures to protect the occupiers of new developments from existing sources;

4. strict mitigation for developments to be used by sensitive receptors such as schools, hospitals and care homes in areas of existing poor air quality; this also applies to proposals close to developments used by sensitive receptors.

8.65 An Air Quality Assessment has been submitted which concludes that the development will have no adverse effects on local air quality and does not introduce new exposure within an area of poor air quality, and therefore no additional mitigation is required.

8.66 As such, the proposal is considered in accordance with Policy LP10.

***Issue xii – Fire Safety***

8.67 Under Policy D12 of the new London Plan (2021), there is requirement that all developments must be designed to achieve the highest standards of fire safety to reduce the risk to life or serious injury in the event of a fire. This includes providing appropriate alarm systems, a suitable means of escape for all building users, and access to equipment for firefighting which is appropriate to the size and use of the development.

8.68 The applicant has submitted a Fire Safety Statement in response to the requirements of Policy D12 (A). The statement provides a response to all 6 points outlined within this policy. This level of information is considered appropriate for the scale of development proposed.

8.69 The applicant is advised that alterations and extensions to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made.

8.70 In light of the above, the proposed fire safety measures are considered to comply with Policy D12 of the London Plan.

***Issue xiii – Housing and Land Supply***

8.72 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*

8.72 Footnote 7 of the NPPF (2019) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year*

*supply of deliverable housing sites (with the appropriate buffer..).'*

- 8.73 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.

#### **Issue iv – Local Finance Considerations**

- 8.74 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.
- 8.75 The development is liable for Mayoral CIL and Borough CIL in accordance with the relevant charging schedules.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1 The NPPF has at its heart the presumption in favour of sustainable development (paragraph 11) and requires the approval of development proposals that accord with an up-to-date development plan without delay unless material planning considerations indicate otherwise. The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. When considered in the round, the proposal would contribute to the economic, environmental and social dimensions of sustainability for the following reasons:
- 9.2 In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, including job creation, including during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. There will also be Council Tax receipts arising from the development.
- 9.3 Regarding the social dimension, there is a local and borough wide identified need for affordable housing, this carries significant weight and there would nevertheless be a net benefit in social terms. Whilst the Council can demonstrate a 5-year supply of deliverable housing land, the provision of additional affordable housing on the application site would amount to a significant benefit in terms of providing a greater flexibility to the supply of housing. The proposal would make an affordable housing contribution of £299,649.
- 9.4 In terms of the environmental dimension of sustainable development, the proposal offers potential for the incorporation of energy efficiency measures as well as additional planting and habitat enhancement, and a CAVAT contribution of £82,580 to off-set the loss of trees on the site.
- 9.5 However, whilst the benefits of the scheme are acknowledged there are also harms

that need to be weighed against this. Firstly, the need to retain trees on the northern side of the site means concerns are raised with regard to the cramped nature of the proposed three houses with the building being sited up to the southern boundary and providing limited amenity space for these houses. With regard to neighbour amenity, there would be some undue impact on the neighbours at 2 and 4 Godstone Road, with the potential for visual intrusion and actual/perceived overlooking from the first rear elevation bedroom windows to their properties. Finally, with regard to the amenity of future neighbours, it is noted that the two first floor west elevation windows for the second unit are proposed to be obscure glazed and non-openable which is a less than satisfactory outcome for new habitable room.

**It is recommended the Planning Committee GRANTS planning permission subject to the completion of a section 106 agreement, conditions and informatives listed in Sections 10 and 11 of this report**

## **10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

### **AT01 Development begun within 3 years**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **BD12 Materials to be approved**

Prior to the commencement of development, details of the materials/samples to be used in the construction of the external surfaces of the buildings (including fenestration) and all areas of hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. REASON: To ensure that the proposed development does not prejudice the appearance of the locality

### **BD11 Sample panels of brickwork**

Sample panels of facing brickwork showing the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work is completed and has been approved. REASON: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

### **BD11 - Miscellaneous details ~**

All soffits, columns and oriel windows shall not be constructed otherwise than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the design and external finishes thereof.

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

### **DV01 Boundary fencing-Building occupy~~**

None of the buildings hereby approved shall be occupied until a suitable means of enclosure has been erected along the boundary/ies of the site to the satisfaction of the Local Planning Authority and in accordance with details to be approved in writing by the Local Planning Authority.

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

### **DV18A Refuse arrangements**

None of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To safeguard the appearance of the property and the amenities of the area.

### **DV29F Potentially Contaminated Sites**

1. No development shall take place until:

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

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

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

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

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

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



scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

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

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

### **DV30 Refuse Storage**

No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

REASON: To safeguard the appearance of the property and the amenities of the area.

### **DV49 Construction Method Statement**

No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:

1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
3. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
4. Details and location where plant and materials will be loaded and unloaded;
5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
6. Details of any necessary suspension of pavement, roadscape, bus stops and/or parking bays;
7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
8. Details of any wheel washing facilities;
9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);

10. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites; Official

11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);

12. Details of the phasing programming and timing of works;

13. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7;

14. A construction programme including a 24 hour emergency contact number;

15. See also TfL guidance on Construction Logistics Plans.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area.

#### **DV50A Energy Reduction**

The dwelling(s) hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).

Reason: In the interests of energy conservation in accordance with the Council's sustainability policies.

#### **DV51A Water Consumption**

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

Reason: In the interests of water efficiency in accordance with the Council's sustainability policies.

#### **DV52A Building Regulation M4(2)**

The development hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).

Reason: In the interest of inclusive access in accordance with Council's policy to ensure homes meet diverse and changing needs.

#### **PK06A Cycle Parking**

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

position, design, materials and finishes thereof. The development shall be retained as such thereafter.

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

#### **LT09A Hard and Soft Landscaping Required**

(A) No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works.

(B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc., together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

(C) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests. .

#### **GD01A Restriction on use of roof**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.

REASON: To safeguard the amenities of the occupiers of adjoining property.

#### **GD02A Restriction-Alterations/extn**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order)

no external alterations or extensions shall be carried out to the building(s) hereby approved.

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

#### **GD10A Restrict outbuilds-Appear/amenity**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

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

#### **NS01 Approved Drawings**

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

13340/P05, WP-0780-A-0003-P-XX-P02, WP-0780-A-0100-P-00-P02, WP-0780-A-0101-P-01-P02, WP-0780-A-0102-P-02-P02, WP-0780-A-0103-P-RF-P02, WP-0780-A-0200-E-XX-P02, WP-0780-A-0201-E-XX-P02, WP-0780-A-0300-S-AA-P02, WP-0780-A-0301-S-BB-P02, WP-0780-A-0400-P-XX-P02; received 9 November 2022

WP-0780-A0001-P-XX, WP-0780-A0002-P-XX, WP-0780-A0010-P-00, WP-0780-A0020-E-XX, WP-0780-A0021-E-XX, WP-0780-A0030-S-AA; received 13 April 2022

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

#### **NS02 Fire Safety Strategy**

The development must be carried out in accordance with the provisions of the Fire Safety Strategy, received by the Council on 14 April 2022, unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

#### **NS05 Arboricultural Method Statement (AMS) required**

1. Prior to the commencement of development, an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The AMS must:
  - a. Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations;
  - b. Be written in conjunction with the schemes Construction Method Statement and Construction and Environmental Management Plan (where applicable);
  - c. Outline any tree constraints and explain any impacts for both above and below

- ground;
  - d. Details of all servicing runs (existing and proposed)
  - e. Detail all tree protection (including plans);
  - f. Detail any special engineering for construction within the Root Protection Area;
  - g. Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturalist or Arboricultural Contractor. All tree work must be undertaken in accordance with BS3998:2010 Tree work. Recommendations, unless approved by the Councils Arboricultural Officer;
  - h. Confirmation of the appointment of an Arboricultural Consultant for the duration of the development; a schedule of inspections to ensure an auditable monitoring and supervision programme; and a timetable for submission to the Local Planning Authority.
2. The development shall not be implemented other than in accordance with the approved AMS.

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

#### **NS06 Pre-Start Meeting**

- A. Following the implementation of the Tree Protection, and no later than 14 days prior to the commencement of development (or any materials or machinery being brought onto the site), the Local Planning Authority Arboricultural Officer shall be invited to attend a 'pre-start meeting'. Key stakeholders (including site manager, project Arboriculturalist and other key site personnel) shall attend the pre-start meeting.
- B. Minutes from the meeting must be prepared and submitted to and approved by the Local Authority Arboricultural Officer prior to the commencement of development

REASON: To ensure that sufficient tree protection is in place and to prevent the tree (s) from being damaged or otherwise adversely affected by building operations and soil compaction.

#### **NS07 Window obscure glazed-No openable~~**

The proposed first floor bedroom windows in the west elevation of the building hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.

REASON: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

#### **NS08 Biodiverse Green and Brown Roof Features**

Full details of all biodiversity (green with brown features roof/s) shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site; and thereafter implemented in accordance with these details.

(A) These details shall be:

- biodiversity based with extensive substrate base (min depth 80mm);
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

(B) Details should:

- Confirm the green (with brown features) roof should not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- Include full maintenance details including access arrangements.

REASON: To enhance nature conservation interest.

### **NS09 Construction Environmental Management Plan (CEMP)**

No works shall start until Construction Environmental Management Plan (or similar) is submitted to and approved in writing by the local planning authority and thereafter constructed in accordance with these details.

- To include details of the removal of the snowberry (*Symphoricarpos albus*) a London Invasive species

REASON: To prevent harm to wildlife and protect existing biodiversity.

### **NS10 External lighting (Plan required)**

Prior to the commencement of construction, full details of all external lighting shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with these details. These details shall include:

- Locations, technical specifications,
- Ground level horizontal lux plan  
4m height horizontal lux plan.
- No upward lighting or lighting onto the open sky, buildings, trees and vegetation, or potential roost features.
- Accordance with CIBSE guide LG6 and ILP/BCT Bat guidance note 8

REASON: To safeguard the ecology of the site and neighbour amenity.

### **NS11 Ecological Enhancements**

Prior to the commencement of construction, details of all ecological enhancements shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with these details.

(A) These details shall:

- Follow the recommendations of the Tyler Grange Ecological Appraisal dated 8th June 2022
- Include 1 no integrated bat bricks/roof tile within each unit
- Include 1 no integrated bird bricks (either sparrow terraces or swift bricks) for each dwelling
- Include 2 no Invertebrate habitat to be included within the landscaping

- Ensure all walls/fences have mammal holes to allow continued movement of wildlife
- Ensure all plant species are native or wildlife friendly

(B) Details should include:

- specific location (including proposed aspect and height) on a plan in context with the development.
- specific product/dimensions
- proposed maintenance.

REASON: To enhance nature conservation interest.

### **NS12 Ecology Report**

All recommendations as per the Tyler Grange Ecological Appraisal dated 8th June 2022 (updated from 2020) shall be implemented in full as part of this development prior to the first occupation of a dwelling hereby approved. Should works not start prior to July 2023, an up to date Potential Bat Roost Assessment and Emergent Survey shall be required to be submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure bat data is current and that good practice is implemented.

### **NS13 Tree planting and Soft Landscaping Required**

(A) No development shall take place until full details of soft landscaping works and tree planting have been submitted to and approved in writing by the local planning authority. Such details to include:

1. Planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment);
2. Planting methodology;
3. Specification of the quantity, density, size, species, position and the proposed time or programme of planting;
4. Details of earthworks, to include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;
5. A 3-year maintenance and management programme.

(B) This scheme shall be written in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape. Recommendations.

(C) All tree/plant/shrub planting included within the approved specification shall be carried out in accordance with that specification and in accordance with BS 3936-1:1992 (Nursery Stock. Specification for trees and shrubs) BS3936-4:2007, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

(D) All soft landscaping works and tree planting shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development, unless otherwise agreed in writing with the Local Planning Authority.

(E) If within a period of 5 years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the local planning authority seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place in the next planting season/within one year of the original tree's demise unless the local planning authority gives its written consent to any variations.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests of the site.

#### **NS14 Retained tree management condition**

Prior to the commencement of development, a detailed scheme of tree management, in accordance with BS 3998:2010 for retained trees shall be submitted to and approved in writing by the Local Planning Authority. This must:

- a. Detail facilitative pruning for the development.
- b. Detail formative pruning for retained trees to ensure a reasonable relationship is formed between the proposed development and retained trees.
- c. Detail a 5 year maintenance and management program.
- d. Identify details of responsibility of the completion of the program.
- e. Identify details of responsibility for ongoing management and maintenance.

Reason: To ensure a reasonable relationship is formed between the retained trees and the development, to ensure trees do not come under future pressure for removal or inappropriate works.

#### **NS15 Highway sight lines - Pedestrian**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no wall, fence, hedge or other obstruction to visibility within any part of the areas defined hereunder which is under the control of applicant shall at any time exceed a height of 0.6m above ground level, as agreed by the Local Planning Authority: one area on each side of the proposed access, defined by:

- i. The highway boundary.
- ii. The edge of the proposed vehicular access.
- iii. A line joining a point 2.4m from the intersection of the highway boundary, with a point 2.1m from that intersection measured along the edge of the proposed access.

REASON: To provide a suitable standard of visibility to and from the highway so that the use of the access does not prejudice the safety of pedestrians in the vicinity of the



access.

**NS16 Parking Allocation**

The development shall not be occupied until the vehicle parking spaces hereby approved are constructed and allocated as shown on the approved drawings and shall not be sold, leased or otherwise assigned unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard local parking conditions.

**NS17 Parking Permits Restriction - GRAMPIAN**

Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident/commercial occupier of the development shall obtain a resident/commercial parking permit within any controlled parking zone which may be in force in the area at any time, nor a season ticket/enter into a contract to park in any car park controlled by the Council.

REASON: To ensure that the development does not generate an increased demand for on-street car parking to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highways, the amenity of the area and to accord with the Councils car parking policy and standards.

**11. INFORMATIVES RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

**NS01 NPPF APPROVAL - Para. 38-42**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- {\b o} Providing a formal pre-application service
- {\b o} Providing written policies and guidance, all of which is available to view on the Council's website
- {\b o} Where appropriate, negotiating amendments to secure a positive decision
- {\b o} Determining applications in a timely manner.

In this instance:

{\b o} The application was amended following negotiations with the Council to ensure the scheme complied with adopted policy and guidance, and a decision was made without delay.

**NS02 Composite Informative**

{\b Principal Policies:}

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

proposal:-

National Planning Policy Framework (NPPF) (2021)

**Richmond Local Plan (2018)**

Issue	Local Plan Policy
Local Character and Design Quality	LP1
Impact on Amenity and Living Conditions	LP8
Local Environments, Pollution and Land Contamination	LP10
Biodiversity	LP15
Trees, Woodland and Landscapes	LP16
Green Roofs and Walls	LP17
Climate Change Adaptation	LP20
Flood Risk and Sustainable Drainage	LP21
Sustainable Design and Construction	LP22
Waste Management	LP24
New Housing	LP34
Housing Mix and Standards	LP35
Affordable Housing	LP36
Infill, Backland and Backgarden Development	LP39
Employment and Local Economy	LP40
Industrial Land and Business Parks	LP42
Sustainable Travel Choices	LP44
Parking Standards and Servicing	LP45

**London Plan (2021)**

Issue	London Plan Policy
Building strong and inclusive communities	GG1
Delivering good design	D4
Inclusive design	D5
Housing quality and standards	D6
Basement development	D10
Fire safety	D12
Increasing housing supply	H1
Small Sites	H2
Delivering affordable housing	H4
Housing size mix	H10
Biodiversity	G6
Trees and woodlands	G7
Air quality, greenhouse gas emissions	SI, SI2
Flood risk and sustainable drainage	SI13, SI12
Transport	T4, T5, T6

{\b Reason for granting:}

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

{\b Building Regulations:}

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control Section of the Street Scene department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Control Department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

{\b Damage to the public highway:}

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

**IL13 - Section 106 agreement**

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

**IL24 CIL Liable**

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

**IL29 Construction Management Statement**

The applicants are advised that when drafting the Construction Management Statement, as secured via condition, each 'point' of the condition should form a sub-heading in the Statement. Where a point is not applicable, please state this, with justification.

**IM13 – Street Numbering**

If you wish to name or number a new development, sub-divide an existing property, or change the name or number(s) of an existing property or development, you will need to

apply to the London Borough of Richmond Upon Thames. Further details of this process, fees, and the necessary information and forms that need to be submitted can be found on the Council's website [http://www.richmond.gov.uk/street\\_numbering\\_and\\_naming](http://www.richmond.gov.uk/street_numbering_and_naming). Alternately you may contact Peter Cridland, Address Management Manager (020 8891 7889 [peter.cridland@richmond.gov.uk](mailto:peter.cridland@richmond.gov.uk)).

### **IT02 – Protective Fencing**

In order to protect trees during building works the Local Planning Authority would normally expect the erection of Chestnut pale fencing to a height of not less than 1.2m around the trees in question to the extent of their existing crown spread or, where circumstances prevent this, to a minimum radius of 2m from the trunk of the tree.

### **IT05 - Trees - Size of new stock**

The Local Planning Authority would normally expect all new trees to be planted to be a minimum size of SELECTED STANDARD which shall have a sturdy reasonably straight stem with a clear height from ground level to the lowest branch of 1.8m, an overall height of between 3m and 3.5m and a stem circumference measured at 1m from ground level of 10-12cm. The tree shall, according to the species and intended use, have either a well-balanced branching head or a well defined, straight and upright central leader with the branches growing out from the stem with reasonable symmetry.

### **IT06 - Nature Conservation**

When submitting proposals for landscaping the site applicants are advised that in determining the suitability of such proposals the Local Planning Authority will take into account the scope for enhancing the nature conservation interest of the site.

### **IX03 - Soil and surface water drainage**

The applicant is advised to consult Thames Water Utilities, Sewerage and Sewage Treatment Operations, Hogsmill Valley Works, Lower Marsh Lane, Kingston, KT1 3BW (Tel: 020 8213 8729) about the disposal of surface water and/or sewage from the development.