



# PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

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## Design and Access Statement

**Proposal:** Change of Use from Public House (Sui generis) to Children's Day Care Centre and Nursery (Class E)

**Site:** The Ham Brewery Tap, 4-6 Ham Street, Richmond, TW10 7HT

**Local Authority:** London Borough of Richmond Upon Thames

**Client:** Ms J. Ntumba

**Date:** 14 August 2023

## **1. Introduction**

Planning by Design (the agent) has been instructed to act on behalf of Ms. Ntumba (the applicant) to submit a planning application to London Borough of Richmond Upon Thames (the Local Planning Authority) for a change of use from a public house (sui generis) to children's day care center and nursery (class E) at 4-6 Ham Street, Richmond.

The following Design and Access Statement will justify the proposal in accordance with the relevant legislation, national and local policies.

## **2. Site location and context**

The application site measures approximately 0.04 hectares and is located on the east side of Ham Street, in Ham, Richmond. The existing building provides 165.50 sqm of Gross External Area (152.27 sqm Gross Internal Area) in public house use at ground level including bar areas, servery, kitchen, storage, cellar etc. A further 123.62 sqm of Gross External Area (111.38 sqm Gross Internal Area) is located at first-floor level - in the form of a 3 bedroom staff flat contained within the steeply-pitched roof.

Both the public house and flatted accommodation are currently vacant, which is becoming increasingly evident from overgrowth within the curtilage.

In terms of its Public Transport Accessibility Level (PTAL), the site lies within a PTAL Level 1b contour and is considered to have low accessibility to public transport. The site is not situated within a Controlled Parking Zone (CPZ).

The site is situated within the developed area boundaries of Ham, and within two local conservation areas – Ham Common and Ham House. It is also within an Archaeological Priority Area. There are several locally significant buildings and Listed Buildings within the vicinity of the site, although the site itself is not listed. The wider area appears to be predominantly residential in character.

## **3. Proposed Development**

The proposed nursery is designed to accommodate 49 children from babies up to 5 years old children. The nursery would accommodate following age groups of children:

- 1-2 years old: 5 children
- 2-3 years old: 16 children
- 3-4 years old: 18 children
- 4-5 years old: 10 children

As required by UK government standards, the nursery will maintain appropriate staff-to-child ratios. For 49 children under 4, the staffing will adhere to regulatory guidelines to ensure safety and quality care. Staff members will meet specific qualification requirements, including holding relevant level 2 and level 3 qualifications. The ratios for children aged 2-3 and 3-5 will be 1 staff member for every 4 children and 1 staff member for every 8 children, respectively. In total a maximum of 16 employees will be present at any given time, including 8 full-time staff and 8 part-time staff. Staff members will be recruited locally and will primarily commute to work using public transportation.

The proposed nursery will be operating Monday-Friday, 7.00 am – 6.30 pm. Saturday – the nursery will be closed but an event may occur.

The proposed development would involve internal alterations and reconfiguration across the ground and first-floor levels to provide suitable commercial premises for a children's nursery.

On the ground floor, there will be a lobby area (parents drop off area) with two classrooms, one for up to 16 children and another for 10-15 children. The ground floor would have a kitchen and storage area and exterior play area. The ground floor will also have two separate toilets. One toilet will have 3 separate toilet seats to meet the requirement of one toilet seat for every 10 kids above 2 years old. The beer garden area will be turned into playground area.

On the first floor, there will be a classroom (10 kids), a baby room (5 babies), a sleep room (5 babies), and changing room. The first floor will also have first-aid room and the size to be confirmed. The first floor will also have office space with en-suite for staff to use, a kitchen/staff room, and a small store space. For more details please see Figure 4.

Externally, alterations to the building fabric will be minimal (limited to the installation of a rooflight to the rear). The front curtilage will be reconfigured to provide off-street parking for 4 cars (staff parking), with an outdoor play area provided to the south of the site.

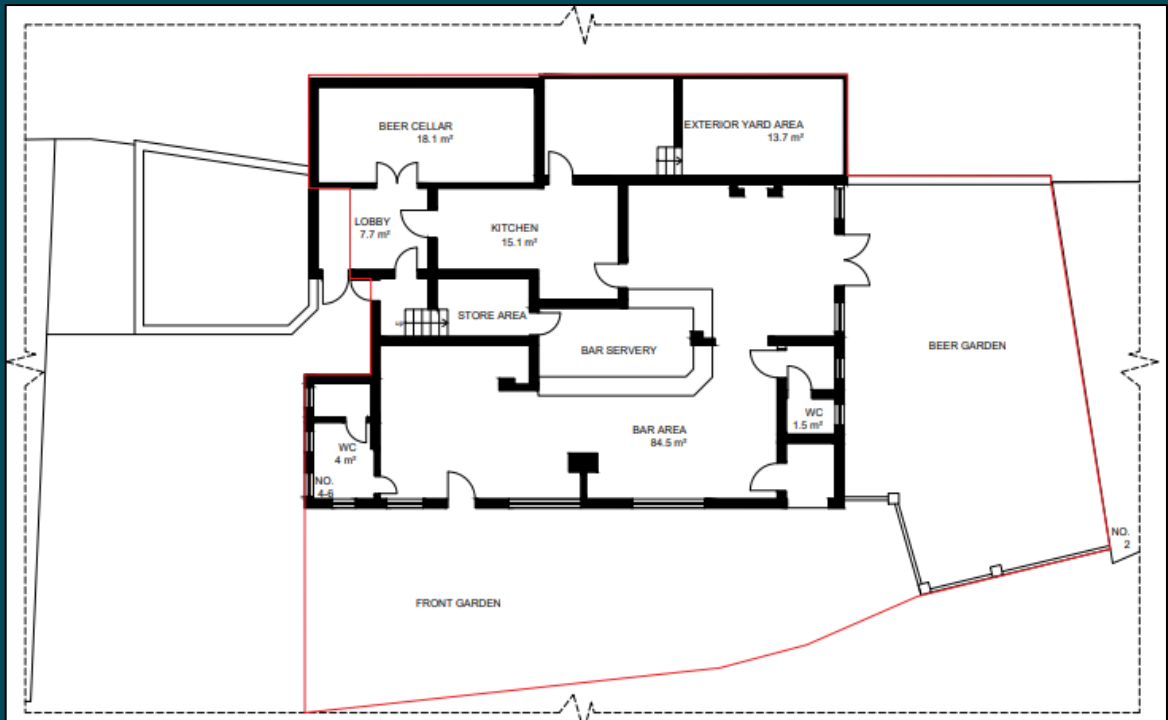


Figure 1: Existing Ground Floor Plan (not to scale, please see planning drawings)

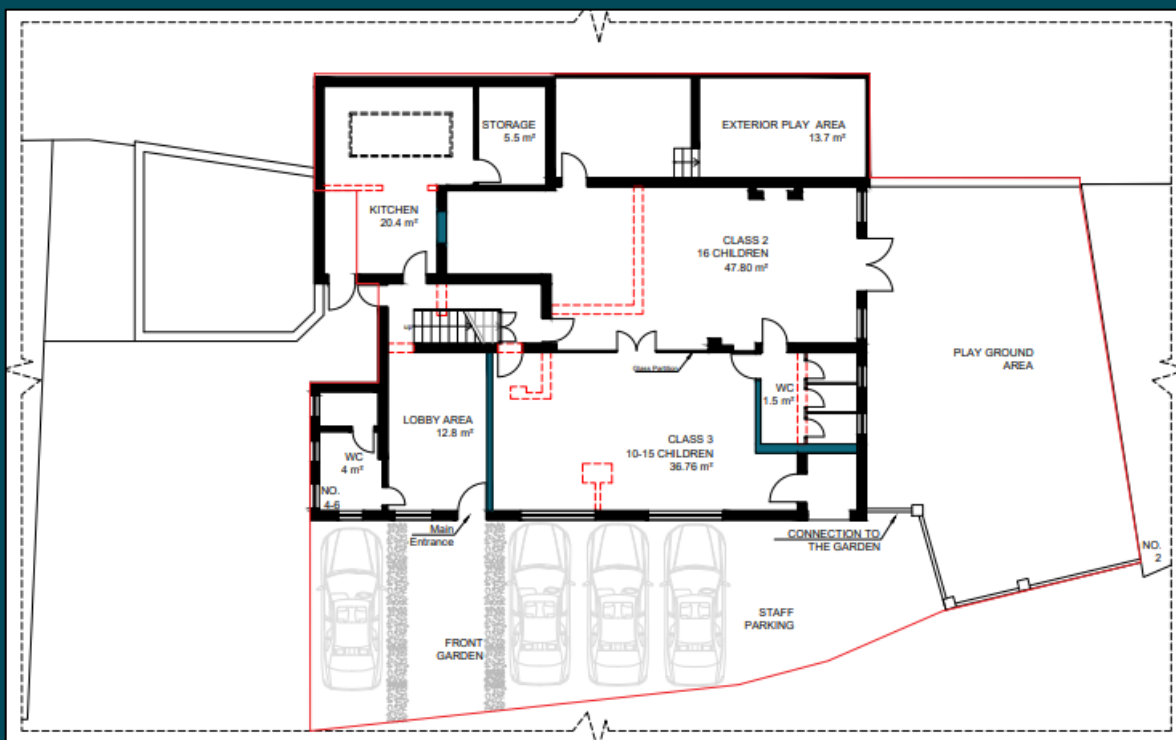


Figure 2: Proposed Ground Floor Plan (not to scale, please see planning drawings)

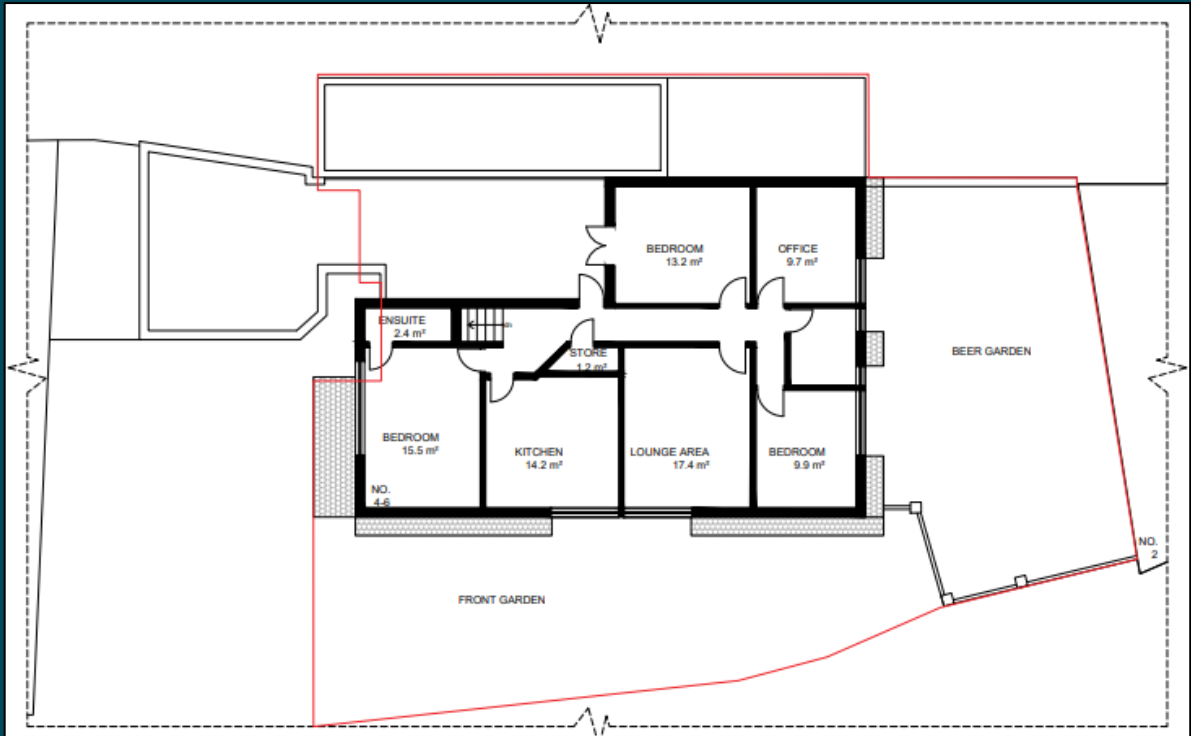


Figure 3: Existing First Floor Plan (not to scale, please see planning drawings)

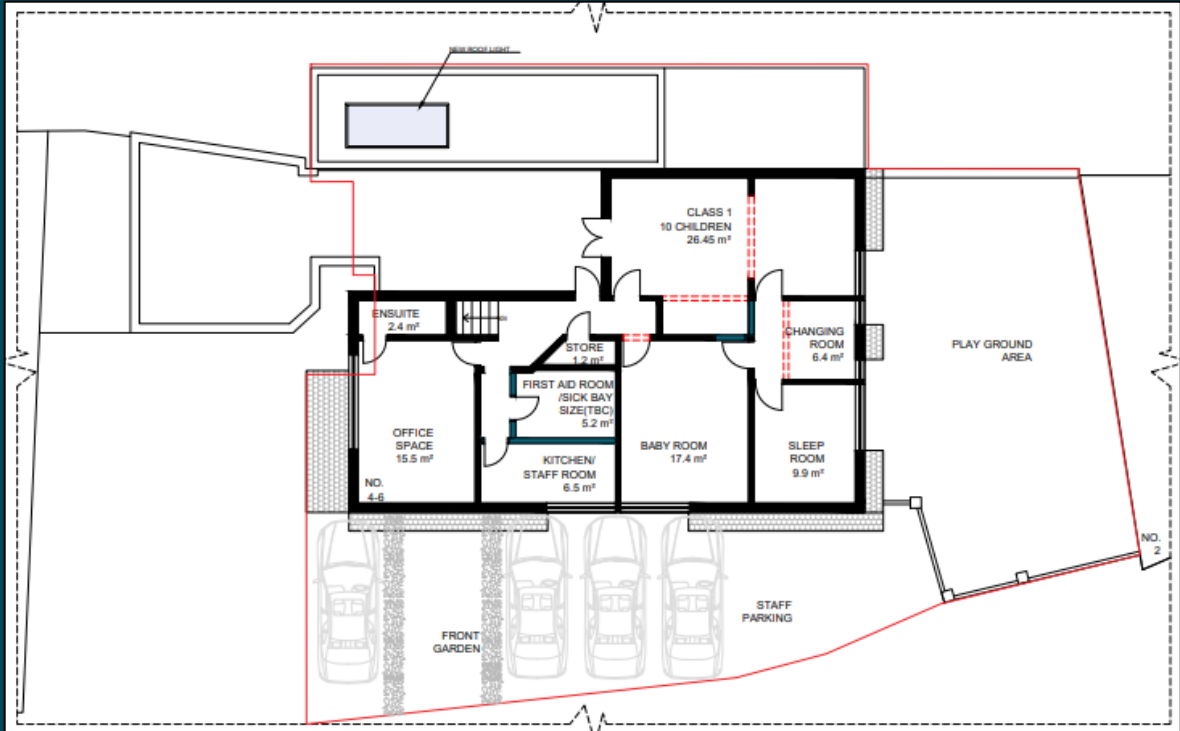


Figure 4: Proposed First Floor Plans (not to scale, please see planning drawings)

## 4. Planning History

A review of the council's planning database in August 2023 revealed the following planning history for the application site:

- 22/1411/FUL - Change of use from Sui Generis Public House with ancillary Staff Flat to Class E Veterinary Surgery with ancillary Staff Flat plus external refurbishment, associated car and cycle parking, waste and recycling storage, and hard and soft landscaping. Withdrawn 12 July 2022.
- 09/0543/FUL - Replacement of existing windows to front and sides with UPVC double glazing in a like for like style including French patio style doors to one side.
  - Refused 1 June 2009.
- 09/0163/CAC - Replace existing rotted wood frame windows to front and 2 sides with uPVC energy efficient, sound proofed double glazing. The style will be like for like exactly. Including French patio style double doors to one side. Withdrawn 2 April 2009.
- 85/1028 - Alterations at the rear of public house to form dining area, and kitchen extension and alterations to the south elevation. (Amended plans nos; 1038.1 Rev A and 1038.2 received 25th July 1986). Refused 14 October 1986.
- 85/1423/ADV - Internally illuminated pole crowner. Refused 16 December 1985.

## 5. Assessment

The following policy and guidance documents are recognized as primary considerations for the decision of the associated application at the site location:

- National Planning Policy Framework (NPPF 2021);
- National Planning Practice Guidance;
- The London Plan (2021)
- London Borough of Richmond Upon Thames Local Plan (July 2018)
- Ham and Petersham Neighbourhood Plan (January 2019)
- Relevant Adopted Supplementary Planning Documents

## 5.1. National Planning Policy Framework 2021 (NPPF)

Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

**Analysis:** *The proposed development will positively contribute to the above objectives. From an economic perspective, the development will contribute to the existing resources and services within an established developed area, thus avoiding additional pressure on rural services. It will also support the local economy through employment of local businesses for construction and materials. The provision of a nursery in this location will create additional 16 local jobs which will significantly boost local economy and provide high-quality nursery in need.*

*In terms of the social element, the proposal will provide a safe and flexible accommodation which is adaptable to meet the needs of various occupants and demographics, for the lifetime of the property. It will provide a welcoming and attractive development, with sufficient space for education, enjoyment and to support healthy living.*

*Environmentally, the development proposes no significant external alterations and will therefore have a negligible impact on biodiversity and wildlife. It is not situated within any known protected areas or designations to which the use could cause a detrimental impact.*

*Trade waste will be suitably separated and either re-used, recycled or appropriately disposed of.*

**Section 6 of NPPF promotes** Building a strong, competitive economy. More specifically, **paragraph 81** states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

**Analysis:** *The proposed nursery will ensure that appropriate high quality needed nursery is provided in the area and also boost local economy by employing 16 staff members who will be local staff with a direct impact on the local economy.*

Section 12 of the NPPF aims to achieve well-designed places. It states that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

**Analysis:** *The proposed development is in accordance with the above in that it will not lead to any significant external changes and is therefore in keeping with the appearance of the site and wider area. The internal alterations are minimal which allows for flexibility of use long-term and is adaptable to the needs of various occupants. The use of the building will directly serve the surrounding residential area and is not inappropriate in nature for it. The use and activity at the site will not cause undue harm to residential amenity as a result of noise or increased footfall/visitor traffic, and there are no changes to the structure which would give rise to unacceptable overlooking, overshadowing or overbearing neighbouring land. The wider area lacks provision of day care centres and nurseries (see section of Need for Proposed Use - supporting document). Therefore, cumulative impacts on the character or amenity of the site and wider area are expected to be negligible.*

As such, it will meet the following criteria outlined by Section 12 of the NPPF:

- a) Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) Visually attractive because of good architecture, layout and appropriate and effective landscaping.
- c) Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);



d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

f) Create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 93 of NPPF states:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

**Analysis:** *The loss of public house is inevitable and it has been vacant for some years now and not to the benefit of the community. Therefore the proposed change of use into the nursery will give the former public house appropriate use to benefit the local community.*

## 5.2. Local Planning Policy Context

Relevant development plan policies

Local Plan (2018) - LP 1, LP 2, LP 3, LP 8, LP 15, LP 16, LP17, LP 20, LP 22, LP27, LP28, LP 44 and LP 45

Ham and Petersham Neighbourhood Plan – C3, H1, H2, CF1

Adopted Supplementary Planning Documents – ‘Sustainable Construction Checklist’; ‘Residential Development Standards’; Design Quality; Transport; Development Control for Noise Generating and Noise Sensitive Developments; Ham Common and Ham House Conservation Area Statements.

### **5.2.1. Principle of Development**

This application seeks planning approval for a change of use of derelict vacant public house (sui generis) into children’s day centre and nursery.

Development proposal for any residential development at this site location must first satisfy requirements set out in policies LP 27 and LP28.

Policy LP27 states that the Council will resist the loss of public houses. Before accepting the loss of any public house the Council requires satisfactory evidence of full and proper marketing normally for at least 2 years for a full range of appropriate uses (see policy LP 28 Social Infrastructure). The applicant will be expected to undertake marketing in line with the requirements set out in Appendix 5.

Paragraph 7.3.4 states that public houses play an important role and social function in the local community and they add to the local character of an area. Therefore, the Council will resist the loss of public houses. Any proposal that results in the loss of a pub has to firstly provide satisfactory marketing evidence to establish that the pub is not viable (in line with Appendix 5 of this Plan). The pub’s potential to provide a community service or function should be included in any marketing exercise.

Paragraph 7.3.5 When assessing a proposal for the change of use from a public house, the Council will take into account the following:

- whether there is another pub within 400 metres;
- whether the use is inappropriate in terms of access or amenity or living conditions; and
- whether the proposed new use would provide a social or community service or function which outweighs the loss of the facility, meeting evidence of a local need.

Appendix 5 sets out in detail marketing requirements. Earlier paragraphs set out the general marketing requirements including what is to be expected from a marketing report. Paras 18.07 & 18.08 are specific to pubs, and para 18.0.13 to social infrastructure uses.

18.0.7 The Council will resist the loss of public houses, which are considered to be a valuable community facility. Where the loss of a public house, or substantial reduction in floorspace is proposed marketing must also include the following:

- Details should be provided about the operation of the public house (including at the time of closure if vacant) such as the turnover of the public house, the percentage split between wet sales and food and whether the premises is used as a music venue etc;
- It is expected that public houses will be marketed via an estate agent specialising in the leisure industry, where this is not the case the applicant should explain why
- Applicants should also have regard to the Campaign for Real Ale's (CAMRA) Public House Viability Test.

Consideration should be given to a full range of other social and community infrastructure uses in line with policy LP 28 and the requirements set out in paragraph 18.0.13 below.

18.0.8 Please note that the Council will take into account the considerations set out in the supporting text to policy LP 27 including whether there is another public house within 400 metres. Applicants should address this when submitting a planning application.

Sub para 7.3.5 of Local Plan Policy LP 27 states that council will need to consider whether the proposed new use would provide a social or community service or function which outweighs the loss of the facility, meeting evidence of a local need.

LP28C Social and Community Infrastructure states that the loss of social or community infrastructure is to be resisted and that proposals involving the loss of such infrastructure will need to demonstrate clearly:

- I. that there is no longer an identified community need for the facilities or they no longer meet the needs of users and cannot be adapted; or
- II. that the existing facilities are being adequately re-provided in a different way or elsewhere in a convenient alternative location accessible to the current community it supports, or that there are sufficient suitable alternative facilities in the locality; and
- III. the potential of re-using or redeveloping the existing site for the same or an alternative social infrastructure use for which there is a local need has been fully assessed. This should include evidence of completion of a full and proper marketing exercise of the site for a period of at least two consecutive years in line with the requirements set out in Appendix 5.

**Analysis:** *It is noted that there are no public houses within 400 m radius of the application site. The proposed nursery is considered to be appropriate use in terms of amenity/living conditions and access. The proposed nursery would provide a social or community service or function which outweighs the loss of the facility, meeting evidence of a local need. The local need is identified and justified in the supporting document (supporting planning statement -Identified need for nursery). The availability of pubs in Richmond remains abundant, and the specific pub in question has been actively marketed for over 3 years. Please find attached marketing reports detailing the efforts and outcomes of the marketing the premises.*

*As outlined in the marketing evidence - despite extensive marketing over a period in excess of 2 years by previous owner and estate agencies, and over 4 years with the inclusion of AG&G's involvement, it has not been possible to secure a letting or sale to a tenant or purchaser requiring the premises for use as a public house, restaurant, café or any other community use. The main reasons that have put off prospective purchasers appear to be:*

- *Four public houses nearby - occupying significantly superior locations are all larger and with much better actual or potential for food-led trade*
- *Lack of support from local community*
- *Low profitability record of previous activity*
- *The limited outdoor seating and a lack of passing trade.*

*Full details of marketing evidence please see marketing report done by Christie & Co, on 27<sup>th</sup> April 2023.*

### **5.2.2. Design/Visual Amenity**

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

**Analysis:** *The proposal will not have any external changes, only internal to accommodate nursery. Therefore it is not considered that the proposal will have any detrimental impact on the local character of the area.*

### **5.2.3. Neighbour Amenity**

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

As no external alterations are proposed under this scheme it is not considered that amenity impact would arise as a result of appearing overbearing or sunlight loss. The applicant is however aware that noise will be a consideration in this planning application and that a noise assessment may be required for the Council to adequately assess such. The applicant is willing to submit that assessment if required.

The noise impact will be limited during operating hours. Furthermore, the number of children in the playground at any time will be restricted the playground by children

Therefore, the impact of the use of the decked terrace, exterior play area, and playground by children upon the nearest noise-sensitive receptors is not considered to be substantial.

An environmental noise survey has been undertaken for the proposed development. Predicted noise levels allowed a robust noise insulation proposal to be made to comply with a minimum value for required attenuation, which would, in turn, provide internal noise levels for all nursery school rooms and commercial office environments of the development commensurate to the relevant design standard. Mitigation measures have also been provided for the construction phase as per BS5228. No further mitigation measures should be required in order to protect the proposed habitable spaces from external noise intrusion. It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional, or local noise planning policy.

For more detail please see Noise Impact Assessment (August 2023)

#### **5.2.4. Heritage and Archaeology**

Policy LP3 states that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or the appearance of the Conservation Area.

***Analysis:** The proposed development is situated within two local conservation areas – Ham Common and Ham House. It is also situated within an Archaeological Priority Area. However, the proposed development will not have any external changes or invasion into grounds that would harm conservation areas or archeological areas. Whilst the site is situated within an archaeological priority area, given the developed nature of the site, it is unlikely to impact on any likely remains on this site. Therefore it is considered that the proposal is in line with policy LP 3.*

#### **5.2.5. Transport/Highways/Parking**

*Policy LP 45 state that new development should provide an appropriate level of off-street parking to avoid any unacceptable impact on on-street parking conditions and local traffic conditions. Council parking standards will be expected to be met, unless it can be shown that there would be no adverse impact on the area in terms of on-street parking.*

The site is located in an area with a low PTAL rating of 1b, which is considered to be low and means the site has low accessibility to public transport. The site is not situated within a Controlled Parking Zone (CPZ).

The applicant proposes to have four off-street parking spaces in front of the building plus one parking space at the side of the building.

Transport' SPD states

"5.4. On non-classified roads, the garden must be able to accommodate a car parked at 90° to the footway and the car-standing area must be a minimum size of 2.4m wide and 5m long, with a further clearance of at least 1m to the front of the property (taking account of any bay windows) . The parking space should not be sited in front of the main door to the house, although it may be acceptable where a minimum of 1.0m can be provided between the parking area and the front door. This will maintain access to the building for all pedestrians, people with disabilities and in case of emergencies. The size of the parking space will allow most vehicles to be parked without overhanging the footway."

There is a requirement for up to one off-street parking spaces per two staff, as indicated in the proposal the Nursery will have 16 child carers, so eight spaces will need to meet the maximum off-street vehicular parking standards set out in Appendix 3 of the Local Plan. The London Plan (2021) supports the applicant's provision below the Borough's maximum standard.

As parking of this level is not provided on site, the applicant has done Transport Statement (Parking Analysis and Trip Generation Report). The report has shown that the transport impact from the proposed scheme is in line with the NPPF 2021, paragraph 109, as the development will not result in an unacceptable impact on highway safety nor result in a severe impact on the road network. Therefore, the proposed development should not be refused on highway grounds. For more details please see (Parking Analysis and Trip Generation Report).

#### **5.2.6. Drainage and Sustainability**

LP 21 states that the Council will require the use of Sustainable Drainage Systems (SuDS) in all development proposals. Applicants will have to demonstrate that their proposal complies with the following:

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

The Council's SFRA requires a SUDS statement where a change of use development would have a bearing on a sites existing drainage regime.

Local Plan Policy LP22 requires that *All non-residential buildings over 100 sqm should achieve a 35% reduction. From 2019 all major non-residential buildings should achieve zero carbon standards in line with the London Plan policy.*

The applicant should submit an energy report with any future application demonstrating that 35% carbon dioxide reduction can be achieved.

**Analysis:** *The proposed development would incorporate SUDS in the development as per policy LP21 requirement. The applicant will demonstrate that this development will create 35% carbon dioxide reduction.*

## **6. Conclusion**

The proposed development is considered to be of suitable design and layout, which would not harm the amenities of neighbouring residents, preserves the character and appearance of the area, and would not adversely impact the safety of the highway. The development would provide an acceptable nursery use as it has been demonstrated in the marketing evidence and identified need.

The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval should reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application. As such, we see no reason for the Council to withhold our request for planning permission and kindly request that a reasonable decision is made in line with the developmental objectives of the National Planning Policy Framework. Should the Planning Authority have any further questions in relation to this proposal or feel that certain conditions would be necessary to accommodate a grant of permission for this proposal, Planning By Design would welcome the opportunity to communicate with the allocated Case Officer.