

Place Division / Development Management

Web: www.richmond.gov.uk/planning
Email: envprotection@richmond.gov.uk
Tel: 020 8891 1411
Textphone: 020 8891 7120



Mr Mislav Omazic
Planning By Design
167-169, Great Portland Street
London
W1W 5PF
United Kingdom

Letter Printed 6 March 2024

FOR DECISION DATED
6 March 2024

Dear Sir/Madam

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

Application: 23/2245/FUL
Your ref: Change of Use from Public Hou...
Our ref: DC/DAV/23/2245/FUL/FUL
Applicant:
Agent: Mr Mislav Omazic

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **15 August 2023** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

The Ham Brewery Tap 4-6 Ham Street Ham Richmond

for

Change of Use from Public House (Sui generis) to Children's Day Care Centre and Nursery (Class E). Alterations to front boundary. Installation of ASHP and PV panels on roof

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 23/2245/FUL

APPLICANT NAME

5 Bridle Close
Maidenhead
SL6 7RR

AGENT NAME

Mr Mislav Omazic
167-169, Great Portland Street
London
W1W 5PF
United Kingdom

SITE

The Ham Brewery Tap 4-6 Ham Street Ham Richmond

PROPOSAL

Change of Use from Public House (Sui generis) to Children's Day Care Centre and Nursery (Class E). Alterations to front boundary. Installation of ASHP and PV panels on roof

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

U0176409	Development begun within 3 years
U0176410	Approved drawings
U0176411	Restricted Class E Use
U0176412	Materials
U0176413	Hours and number of children
U0176414	Noise Management Plan
U0176415	Glazing Detail
U0176416	Plant Noise
U0176417	Internal Noise Levels
U0176418	Play Area Respite
U0176419	Energy Reduction
U0176420	Scooter/cycle parking facilities
U0176421	Refuse Arrangements
U0176422	PV panels
U0176423	Fire Safety
U0176424	Travel Plan
DV11	Use of roof restricted
U0176425	Crossover

INFORMATIVES

U0089678	Vehicular Crossover
U0089679	Noise Management Plan
U0089681	Composite Informative
U0089680	NPPF APPROVAL - Para. 38-42
IL02	Advertisements

DETAILED CONDITIONS AND INFORMATIVES

DETAILED CONDITIONS

U0176409 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 permission 23/0307/FUL.

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.

U0176410 Approved drawings

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

01-V3, 02-V3, 04-V3, 05-V3 (existing elevations); received 20 December 2023;
05-V4 (propsoed plans); received 19 February 2024; and
03-V4, 06-V4 received 28 February 2024.

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

U0176411 Restricted Class E Use

The premises shall be used as a Day Nursery within Class E(f) only, and shall not benefit from any other use within the Class E use class as prescribed under the The Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to facilitate a use which would deliver an alternate community benefit to outweigh the loss of a public house, to enable the Local Planning Authority the ability to assess alternative uses, and to safeguard the amenities of nearby occupiers and the area generally.

U0176412 Materials

No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.

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

U0176413 Hours and number of children

a. The premises shall not be used for any day care/nursery purposes except between the hours of 0700 to 1830 on Monday to Fridays inclusive.

b. No more than 49 children shall be accommodated at the premises at any one time in connection with the day care use hereby approved.

REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

U0176414 Noise Management Plan

The Nursery hereby approved shall not be operated other than in accordance with a Noise Management Plan which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

REASON: To safeguard the amenity of nearby neighbouring properties.

U0176415 Glazing Detail

Details of the final glazing fabrication and acoustic specifications shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be installed prior to occupation of the relevant part of the development in accordance with the approved details.

REASON: To safeguard the amenities of nearby neighbouring occupants.

U0176416 Plant Noise

Before any mechanical plant is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise criteria can be complied with. The plant shall not be installed or operated other than in accordance with the approved details.

The cumulative measured or calculated rating level of noise emitted from any mechanical plant and services at the premises shall be 5dB(A) below the existing background noise level, at all times that the mechanical system and services operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

REASON: To safeguard the amenities of nearby neighbouring occupants.

U0176417 Internal Noise Levels

Prior to first occupation of the approved scheme, a noise validation survey shall be submitted to the Local Planning Authority to demonstrate compliance with the requirements of Building Bulletin 93 'The Acoustic Design of Schools'

REASON: To safeguard the amenities of nearby neighbouring occupants.

U0176418 Play Area Respite

Play areas shall not be used before 08:00 or after 17:00 Monday to Friday with no use on weekend or public holidays nor used during the periods of respite detailed below:

- o Mondays and Thursdays- Noise respite occurring from 12.00 - 15.30
- o Tuesdays and Fridays - Noise respite occurring from 11.00 - 15.30
- o Wednesdays - Noise respite occurring from 11.30 - 14.30

REASON: To safeguard the amenities of nearby neighbouring occupants.

U0176419 Energy Reduction

The dwelling(s) hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2021) and the Energy and Sustainability Statement received 14 January 2024.

Reason: In the interests of energy conservation in accordance with the Councils sustainability policies.

U0176420 Scooter/cycle parking facilities

The Class E use shall not commence until scooter and/or cycle parking facilities have been provided in accordance with either; A) Drawing 05-V4 and images of the 'semi vertical bike rack'; received 27 February 2024;

OR; B) 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.

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

U0176421 Refuse Arrangements

The Day Care Centre and Nursery shall not commence until arrangements for the storage and disposal of refuse/waste have been made 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.

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

U0176422 PV panels

Notwithstanding the details shown on the approved drawings, prior to the occupation of the development hereby approved, further details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o Siting
- o Design
- o Energy Savings

The development shall not be occupied until the PV panels have been implemented in accordance with the approved details.

REASON: In the interests of promoting sustainable forms of developments and to meet the terms of the application.

U0176423 Fire Safety

The development must be carried out in accordance with the provisions of the Fire Safety Statement, received by the Local Planning Authority on 13 September 2023, and retained as such thereafter.

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

U0176424 Travel Plan

a) The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Council in accordance with current Transport for London Travel Plan Guidance on the STARS Travel Plan system.

Following approval by the Local Planning Authority, the applicant shall then implement these actions to secure the objectives and targets within the approved plan.

b) Staff and customer/visitor travel surveys shall be undertaken in accordance with a survey methodology to be submitted to and approved by the Local Planning Authority prior to it being carried out. Within 6 months of the use commencing, a travel plan based on the results of a staff, pupil and visitor travel survey shall be submitted to, and approved in writing by, the Local Planning Authority. This shall contain clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer / visitors to the development, to minimise car usage and to achieve a shift to alternative transport modes. Following approval by the Local Planning Authority, the applicant shall then implement these actions to secure the objectives and targets within the approved plan.

c) In each of the five years after the first occupation of the development, a monitoring report and the School Travel Plan shall be submitted on the STARS system (or any other such system that may be in place) which shall demonstrate how the School Travel Plan has been operated during the preceding twelve-month period. The report shall include (where appropriate) any additional or remedial measures required to be undertaken to ensure compliance with the School Travel Plan (and such additional

or remedial measures shall be deemed to be incorporated in and form part of the School Travel Plan)

REASON: In order to comply with the objectives of national and local Planning Policies which promote sustainable development with particular regard to transport

DV11 Use of roof restricted

The roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.

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

U0176425 Crossover

No part of the development shall be occupied until details have been submitted to and approved by the Local Planning Authority showing the removal of the existing crossover and the reinstatement of the footway construction. REASON: To ensure that the development is not prejudicial to the free flow of traffic or conditions of general safety along neighbouring highways and to accord with the terms of the application in being car free.

DETAILED INFORMATIVES

U0089678 Vehicular Crossover

The permission hereby granted shall not be construed as authority to carry out works on the publicly maintained highway. The applicant is advised that all such works must be carried out by the Council's own appointed contractor following approval from Highways Management Group, London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ or highwaysandtransport@richmond.gov.uk.

Further details and application forms can be obtained from the Civic Centre by telephoning 020 8891 1411 or online http://www.richmond.gov.uk/dropped_kerbs. Application forms must be accompanied by a copy of the planning consent to which the application relates and the relevant part of the approved drawing. The cost of these highway works will be charged to the applicant.

U0089679 Noise Management Plan

The applicant is advised that details of the Noise Management Plan to be submitted and approved in writing are recommended to include the following:

- 1) The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions, amendments or training recorded) annually by the 1st January each successive year hereafter.
- 2) Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- 3) Training shall be provided to explain the function of the noise management plan along with the mitigating measures contained within it. A record shall be maintained for all staff who have been trained and informed on the requirements of this plan.
- 4) A complaints procedure shall be implemented and maintained, with a log of complaints and mitigating actions, with time and dated associated records. Attention will be made to community liaison with neighbouring residents and good administrative procedures.
- 5) Staff shall acknowledge the nursery and play areas reside in a residential area and there is an overall emphasis to control unreasonable use to reduce the possibility of noise disturbances.
- 6) Play area activities shall always be structured and supervised by staff members, to avoid care-free activities within the external play area that might lead to noise disturbances.

- 7) The external play area shall never be used by any staff or children outside approved hours of development use.
- 8) To ensure noise respite the play areas shall not be used before 08:00 or after 17:00 Monday to Friday with no use on weekend or public holidays nor used during the identified periods of respite.
- 9) The maximum number of occupants for the classrooms shall be for classroom 1, 25 occupants for classroom 2 and 18 occupants for classroom 3 with each play area not occupied by more than one classroom. This shall be checked prior to and during external play activities, by supervising staff.
- 10) The nursery shall establish and implement a means to gather children's attention to avoid the need for raised and/or loud voices of supervising staff. A bell or clap may be suitable.
- 11) Children who become upset or distressed in the external play areas shall be actively distracted, in attempt to pacify them. If children cannot be comforted and problems persists, they shall be actively taken back into the nursery building until it would be appropriate for them to return.
- 12) Children who behave in an unusually 'noisy' manner shall be actively distracted. If a child's behaviour is unsuitable such that it could readily present noise disturbances, they shall be actively taken back into the nursery building until it would be appropriate for them to return.
- 13) All accidents, incidents and any unforeseen 'noisy' activity shall be logged and notified to site management. Such events shall be discussed in regular training sessions or meetings to establish suitable management provisions and how similar events might be avoided in future.
- 14) No ball games shall be played unless in a controlled activity with supervising staff members.
- 15) Amplified music and musical instruments of any kind shall be prohibited from use in the external play areas at all times.
- 16) Nearby receptors (residential premises) shall be informed about the development in question and the daily schedule shared to explain how consideration has been made and what mitigation measures are in place to minimize the noise impact the development could have.
- 17) Parents and staff coming in and out of the premises during the early morning hours be briefed and made aware of potential adverse noise impacts and noise management issues so they can restrict the emission of loud noises such as shouts etc.
- 18) Staff should be mindful of residential neighbours and use calm, gentle voices when interacting with children and others.

U0089681 Composite Informative

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.

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 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 Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

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.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

Noise control - Building sites:

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership NoiseandNuisance@merton.gov.uk.

U0089680 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:

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

In this instance:

- o The 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.

IL02 Advertisements

The applicant is advised of the need to obtain separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is to display on these premises.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION
23/2245/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ