

Application reference: 23/3032/FUL SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
09.11.2023	01.02.2024	28.03.2024	28.03.2024

Site:

9 The Green, Richmond, TW9 1PX,

Proposal:

Change of use from Class E to C3 single residential dwelling, comprising 9 bedrooms. Works including removal of modern partitions, re-pointing.

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

APPLICANT NAME

C/O Agent

AGENT NAME

Miss Pippa Brogden
3rd Floor, Regent House
65 Rodney Road
Cheltenham
GL50 1HX

DC Site Notice: printed on 04.02.2024 and posted on 09.02.2024 and due to expire on 01.03.2024

Consultations:

Internal/External:

Consultee

14D POL
LBRUT Transport
LBRuT Waste Services
21D Urban D
English Heritage 1st Consultation

Expiry Date

27.03.2024
27.03.2024
27.03.2024
25.02.2024
25.02.2024

Neighbours:

8 Pembroke Villas, The Green, Richmond, TW9 1QF -
The Britannia, 5 Brewers Lane, Richmond, TW9 1HH, - 04.02.2024
3 Brewers Lane, Richmond, TW9 1HH, - 04.02.2024
Second Floor, 53A George Street, Richmond, TW9 1HJ, - 04.02.2024
First Floor, 53A George Street, Richmond, TW9 1HJ, - 04.02.2024
50A George Street, Richmond, TW9 1HJ - 04.02.2024
First Floor Front, 51A George Street, Richmond, TW9 1HJ, - 04.02.2024
First Floor Rear, 51A George Street, Richmond, TW9 1HJ, - 04.02.2024
Second Floor, 51A George Street, Richmond, TW9 1HJ, - 04.02.2024
53 George Street, Richmond, TW9 1HJ, - 04.02.2024
50 George Street, Richmond, TW9 1HJ, - 04.02.2024
51-52 George Street, Richmond, TW9 1HJ, - 04.02.2024
Basement, 8 The Green, Richmond, TW9 1PL, - 04.02.2024
First Floor, 8 The Green, Richmond, TW9 1PL, - 04.02.2024
Ground Floor, 8 The Green, Richmond, TW9 1PL, - 04.02.2024
Second Floor, 8 The Green, Richmond, TW9 1PL, - 04.02.2024
Third Floor, 8 The Green, Richmond, TW9 1PL, - 04.02.2024
11 The Green, Richmond, TW9 1PX, - 04.02.2024
10 The Green, Richmond, TW9 1PX, - 04.02.2024
7 The Green, Richmond, TW9 1PL, - 04.02.2024

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

Development Management

Status: GTD Application:98/0671
Date:19/05/1998 Installation Of Handrails To Front Entrance Steps.

Development Management

Status: GTD Application:98/0672
Date:19/05/1998 Installation Of Handrails To Front Entrance Steps.

Development Management

Status: PDE Application:23/3032/FUL
Date: Change of use from Class E to C3 single residential dwelling, comprising 9 bedrooms. Works including removal of modern partitions, re-pointing.

Development Management

Status: PCO Application:24/0270/LBC
Date: Change of use from Class E to C3 single residential dwelling. Works including removal of modern partitions and re-pointing.

Building Control

Deposit Date: 30.07.2007 1 Window 1 Door
Reference: 07/FEN00632/FENSA

Application Number	23/3032/FUL
Address	9 The Green, Richmond, TW9 1PX
Proposal	Change of use from Class E to C3 single residential dwelling, comprising 9 bedrooms. Works including removal of modern partitions, re-pointing.
Contact Officer	Kerry McLaughlin

1. INTRODUCTION

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

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

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is subject to the following planning constraints:

Archaeological Priority	Site: Richmond APA 2.6 Richmond Town - Archaeological Priority Area - Tier II
Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 310
Article 4 Direction B1 to C3	Restricting B1 To C3 - Richmond 30/11/14 / Ref: ART4/CJ/007 / Effective from: 30/11/2014
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Conservation Area	CA3 Richmond Green
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Increased Potential Elevated Groundwater	GLA Drain London
Key Office Area	Richmond / Richmond exemption area, as applied for / Status: Key Office Area / Area: 158725.7
Listed Building	Grade: II Site: 8 And 9 The Green Richmond Surrey TW9 1PX
Main Centre Boundary	Richmond
Main Centre Buffer Zone	Richmond Town Centre Boundary Buffer Zone - A residential development or a mixed use scheme within this 400 metre buffer area identified within the Plan does not have to apply the Sequential Test (for Flood Risk) as set out in Local Plan policy LP21.
Throughflow Catchment Area (Throughflow and Groundwater Policy Zone)	Adopted: October 2020 , Contact: Local Plan Team
Village	Richmond and Richmond Hill Village
Village Character Area	Richmond Green - Area 14 & Conservation Area 3 Richmond & Richmond Hill Village Planning Guidance Page 52 CHARAREA06/14/01
Ward	South Richmond Ward

3. RELEVANT PLANNING HISTORY

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

Ref	Proposal	Decision
24/0270/LBC	Change of use from Class E to C3 single residential dwelling. Works including removal of modern partitions and re-pointing.	Pending Consideration

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

1 letter of objection has been received. This comment is summarised as follows:

- Adverse effect of residential amenity (LP 8)
- Adverse effect on Social and Community Infrastructure (LP 28)

2 letters of observation have been received. These comments are summarised as follows:

- If the Council were minded to grant change of use to residential use (C3) there should be a condition to restrict the use to a single family dwelling only and cannot be subdivided into flats or Airbnb.
- Office Use - The Marketing Report by Michael Rogers dated 1 November 2023 presents plausible evidence and a rational assessment that 9 The Green is not likely to be viable and that an exemption from the Council's Local Plan Policy LP41 and Publication version Policy 23 1 that restricts loss of office use, can be justified and applicable in this case.
- Heritage
- The submitted drawings do not comply with the Council's Planning Application Check-list. The drawings fail to show any detail and only show the existing and proposed at a small scale 1:100 and only in plan. The drawings are not cross-referenced to the Heritage Report.
- A design and Access Statement should be provided explaining the proposed functions of each room.
- The Fire Strategy should be referenced to the drawings.
- Friends of Richmond Green does not oppose the change of use to a single family dwelling providing the Council through condition(s) or otherwise ensures the building shall not be used as other than a single family dwelling so as to avoid the introduction of a use which might adversely affect the special intent and significance of the Listed Building and/or character, appearance and significance of the Conservation Area and residential amenity

Neighbour amenity considerations are assessed under Section 7 in the report below.

5. AMENDMENTS

The applicant confirmed, by way of email on 21.02.2024, that there is an error on the application form which states 12 bedrooms are proposed, a total of 9 bedrooms are proposed.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

- 4 - Decision-making
- 5 - Delivering a sufficient supply of homes
- 7 - Ensuring the vitality of town centres
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well-designed places
- 16 - Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/media/65819679fc07f3000d8d4495/NPPF_December_2023.pdf

London Plan (2021)

The main policies applying to the site are:

- D4 - Delivering good design
- D6 - Housing quality and standards
- D12 - Fire Safety
- H1 - Increasing housing supply
- H2 - Small Sites
- H4 - Delivering affordable housing
- HC1 - Heritage conservation and growth
- SI2 - Minimising greenhouse gas emissions
- T5 - Cycling
- T6 - Car parking

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london->

[plan/london-plan-2021](#)

Richmond Local Plan (2018)

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

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Designated Heritage Assets	LP3	Yes	No
Archaeology	LP7	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Sustainable Design and Construction	LP20, LP22, LP23	Yes	No
Waste Management	LP24	Yes	No
New Housing, Mix and Standards	LP34, LP35, LP39	Yes	No
Affordable Housing	LP36	Yes	No
Employment and Local Economy, Offices	LP40, LP41	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Richmond Publication Local Plan (Regulation 19 version)

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.

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.

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 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Overall, the weight afforded to each policy at this stage will differ depending on the nature of representations received to that policy. Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

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Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP28	Yes	No
Designated Heritage Assets	LP29	Yes	No
Archaeology	LP33	Yes	No
Amenity and Living Conditions	LP46	Yes	No
Sustainable Design and Construction	LP4, LP6, LP9	Yes	No
Waste Management	LP7	Yes	No
New Housing, Mix and Standards	LP10, LP13, LP15	Yes	No
Affordable Housing	LP11	Yes	No
Employment and Local Economy, Offices	LP22, LP23	Yes	No
Vehicular Parking Standards, Cycle Parking, Servicing and Construction Logistics Management	LP48	Yes	No

These policies can be found at https://www.richmond.gov.uk/draft_local_plan_publication_version

Supplementary Planning Documents

Affordable Housing

Design Quality

Refuse and Recycling Storage Requirements

Residential Development Standards

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Sustainable Construction Checklist
Transport
Richmond and Richmond Hill Village Plan
Development Control for Noise Generating and Noise Sensitive Development

These policies can be found at:

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Community Infrastructure Levy
CA3 Richmond Green Conservation Area Statement
CA3 Richmond Green Conservation Area Appraisal
B1 to C3 Article 4 Direction
NDSS

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Principle of Development
- ii Design/Visual Amenity
- iii Neighbour Amenity
- iv Residential Standards
- v Affordable Housing
- vi Sustainability
- vii Transport and Parking
- viii Refuse and Recycling

Issue i - Principle of Development

London Plan Policy E1 supports improvements to the quality, flexibility and adaptability of office space of different sizes through new office provision, refurbishment and mixed-use development. London Plan Policy E2 (Providing suitable business space) states that boroughs should include policies that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises, and to support firms wishing to start-up or expand.

Local Plan policy LP40 supports a diverse and strong local economy and seeks to ensure that land is retained in employment use for business, industrial or storage purposes.

Policy LP41 includes a presumption against the loss of office floorspace in all parts of the borough. Outside the Key Office Areas, a loss of office floorspace will only be permitted where evidence is provided that demonstrates that there is no longer demand for an office-based use in this location and that there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing office use or an alternative office-based use completed over a minimum period of two continuous years in accordance with the approach set out in Appendix 5 of the Local Plan. Following this, a sequential approach to the redevelopment or change of use is applied that priorities alternative employment uses including social or community infrastructure uses, followed by maximum provision of affordable housing.

The employment policies in the Publication Local Plan continue to take a protectionist approach to existing employment floorspace. Policy 21 states new development proposals will be supported which protect existing employment floorspace for office use, with a no net loss approach. Policy 23 states that there is a presumption against the loss of office floorspace in all parts of the borough and that proposals which result in a net loss of office floorspace will be refused. Marketing information will be considered as a material consideration, but will not in itself justify an exception to policy.

The Council's Employment Land and Premises Needs Assessment [December 2021]. Paragraph 4.99 of the study notes that '*Taking this approach results in a minimum need of 73,000 sq m (Experian), but an objective to meet 200,000 sq m (GLA) recognising that this will be challenging and highly aspirational. We note that in the context of the stock (c 230,000 sq m) even the lower Experian target looks large – increasing the stock of offices by a third. This is because we are looking at replacing the space in the pipeline, on the assumption that the space was occupied or capable of being occupied and there is evidence that office space was already used very efficiently in the Borough. Only 40,000 sq m is net additional. This is still a sizable growth and suggests the Borough will need to increase its office stock by 20% over the plan period to meet the minimum identified.*'

Paragraph 7.25 of the study notes that '*Looking forward, with so little space available to let and the stock so intensively used, it is clear that further losses from the supply should be resisted.*'

An update produced in April 2023 of the above Employment Land and Premises Needs Assessment has been produced.

Paragraph 4.4 of this study notes that '*Overall future need for office floorspace has fallen substantially from the 73,000 sq m identified in the 2021 ELPNA to 23,000 sq m today. In the short term this can be delivered through the existing stock, which has a sustained high level of availability/vacancy. In the mid-long term, given the lack of new sites for office, the Council should ensure that office use is part of the mix of uses identified for the major mixed-use development sites, of which the Borough has very few.*'

The 2021 and 2023 Employment Land and Premises Needs Assessments underpin the Council's employment policies and are material to note.

The proposal relates to the change of use of the whole building, which is currently in office use, to a single residential dwelling. This site is partially within the Key Office area designation (or Key Business Area) within the Publication Local Plan. The boundary of the designation includes the rear amenity area at the property but does not include the main building itself.

The applicant has submitted a marketing report from Michael Rogers dated 1st November 2023 with the application. This states that the building was placed on the market in September 2021 as the existing occupiers (Moore Barlow) had decided to move to alternative accommodation in Richmond on expiry of their lease on 1st September 2023. As required under policy, the property was advertised on the market for in excess of two years prior to the submission of this application and is still being marketed today.

The following marketing strategies were implemented:

- 4x3 board to the front of the property visible to passers by.
- In-house marketing details were drawn up with photographs, plans etc.
- Details of the property sent to all in-house mailing list, as well as local and London agents who deal with the West London market.
- Property was added to various property databases online.
- Details of the property sent to local occupiers and agents actively looking on behalf of clients.

The property has been shown to 17 parties, but no offers have been received. There is said to be currently very little interest in the building from potential commercial applicants. The applicant also states potential occupiers were not restricted to just office but other commercial uses (subject to planning permission).

The property is marketed on a freehold, leasehold or flexible leasehold basis to appeal to the widest number of potential occupiers possible, at the following rates: Freehold - £3.5million (£842 per sq. ft), Leasehold - £160,000 per annum (£38.50 per sq. ft).

Evidence has been submitted to show that the asking prices were commensurate with properties in the surrounding area and took into account the need for upgrading the property. Flexible leases were offered and incentives such as rent-free periods were available. It is stated in the report that there are features of the existing building that have made it less attractive to prospective occupants, this includes irregularly-shaped rooms over multiple floors, low floor-to-ceiling heights on the lower ground and third floors, provision and location of bathrooms, difficulties in installing servicing for modern occupiers within the physical constraints of a listed building, and costs of insuring and repairing. It is stated that there are limitations to adapting a commercial building to make it accessible, including the installation of a lift.

Details of enquiries have been provided as part of the marketing evidence, no substantial offer was received during the marketing period in spite of the number of viewings. Reasons for rejecting the premises related to the access and layout being unsuitable, in particular the amount of stairs and subdivision of the offices into multiple smaller rooms. A lack of storage and parking were also mentioned. It is stated that enquiries were sought from alternative employment-generating uses during the marketing period (referring to sequential test in LP41) which included education, medical and nursery uses as well as restaurants following the introduction of Class E.

The marketing evidence is noted. In regard to the part of the marketing report which focusses on the office floor space availability in the borough and the assertion that the site characteristics are not suitable for office use, it is important to recognise that this type of justification is not envisioned within Local Plan Appendix 5 nor within Publication Local Plan Appendix 2.

With reference to adopted policy LP41, the information provided predominantly addresses part A.1 and A.2.a. It is also noted that a school with an 'asap' requirement viewed the site 3 times but it is not clear why this potential occupier did not progress their interest. Appendix 5 of the Local Plan does request that marketing evidence be transparent about any expressions of interest, offers made and reasons for rejecting the premises. Little information is provided to indicate whether robust consideration has been given to a mixed use scheme which may retain some employment/community uses which partially limits the weight to be given to the robustness of the marketing exercise.

It is however acknowledged that there has been no particular interest in the property to date and it is also recognised that there are inherent constraints involved with a listed building that limit its adaptability for future occupiers. In this respect, it is also relevant to have an understanding of how the proposed change of use would be beneficial in heritage terms as opposed to a sequentially preferable alternative under LP41, however for reasons discussed further below this has not yet been satisfactorily demonstrated. The application has also failed to demonstrate compliance with part 2.c of LP41 which requires maximum provision of affordable housing.

Furthermore, when assessed against the emerging employment policies in the Publication Version Local Plan, the proposal does raise concerns about the total loss of offices on the site. Publication Local Plan policy 21 seeks to protect existing employment floorspace for office use, with a no net loss approach, and policy 23 includes a presumption against the loss of offices in all parts of the borough. While marketing can still be put forward to justify a change of use away from commercial, this will be viewed as a material consideration and will be weighed against other policy priorities to protect employment land. Para 19.19 is clear that provision of marketing in itself does not justify an exception to policy.

The scheme is contrary to the development plan which seeks to protect employment generating floorspace. Whilst the marketing evidence is acknowledged, the applicant has failed to fully satisfy the LPA that an exception to the protectionist approach is justified.

The supporting text to policy LP3 in the Local Plan (2018) states how listed buildings can be best used for their original purpose, and the Council will take into account the desirability of sustaining and enhancing the significance of the heritage asset and putting it to viable use consistent with its conservation. As such, heritage benefits assessed under LP3 (under the 'Design/Visual Amenity' section below) must be weighed up the against the loss of office space.

Issue ii - Design/Visual Amenity

Local Plan Policy LP1 requires: *all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

The NPPF states *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

9 The Green is one of a pair of semi-detached buildings with No.8, situated on the south-east side of the historic Richmond Green. The pair are listed at grade II and date from the early to mid-18th century. The buildings are also situated within the Richmond Green Conservation Area which was recently re-appraised.

The special architectural interest of the listed building and its contemporaneous neighbour derives from the high survival of original 18th century fabric and form. The exterior is very well preserved, the lower ground floor windows to No.9 show original thicker glazing bars, indicating a construction date towards the first part of the 18th century. The building has a strong symmetrical composition, being 8 bays wide and the matching entrances situated within the third and 6th bay. The only change which affects the strong uniformity and original character to the façade is the canted bay window to No.9 which is a later insertion.

The submitted Heritage Statement describes that the mid-18th century plan form survives largely intact, though with some Edwardian era alterations at ground level. Much of the contemporary detailing of the Georgian house also survives, including timber panelling, plasterwork, staircase joinery and external joinery. Whilst externally, there is a strong symmetrical façade, internally, No.9 is larger than No.8, which is three bays wide while the rest of the building is formed of No.9. This is an interesting and an unusual internal composition. There are several openings in the party wall between the two houses which were added prior to its listing which are used as a form of fire escape which detract from the significance of the pair.

The building is also of historic interest due to its early date, illustrating an important development period in this part of Richmond. The survival of features like plan form also have the potential to yield further information of the original occupiers of the building. For example, the reduced floor to ceiling heights of the upper floors illustrates the historic use and lesser importance of these floors where they were used for servants' accommodation and bedrooms.

Both buildings also form an important feature of the conservation area, which is characterised by a collection of buildings which range in date and character, surrounding the historic open space of Richmond Green which was laid out at the time of the construction of Richmond Palace in the late 15th century. The green features fine examples of buildings for all periods, illustrating the gradual development of the green as well as its important social status as a high-class residential area due to its associations with royalty.

Proposals comprise: "Change of use from Class E to C3 single residential dwelling. Works including removal of modern partitions, re-pointing."

The building was listed in 1950 and has been in office use since 1954. It is noted that the original use of the building was residential and therefore reinstating this historic use would have a degree of heritage benefit if the physical alterations themselves would not harm the fabric and significance of the listed building.

However, the application does not detail the full range of minimal works that would likely be required to facilitate the change of use, such as new plumbing and servicing to support kitchen and bathroom uses. The Energy Officer Planning Report – Application 23/3032/FUL Page 9 of 14

Report notes the requirements for a new gas boiler. As such it is not possible to assess the full impact of the new residential use to historic fabric, as a basis for comparison with the current office use.

This position is backed up by the submitted Heritage Statement, which states: "Should any harm be identified on account of minor alterations / interventions needed to create plumbing and service runs, it is submitted that the level of harm would be at a very low level." (para 5.8). As such a degree of harm appears to be anticipated, but at present it is not possible to assess the degree and therefore the impact to the listed building's special interest.

The limited works that are included in the application relate to the uncontroversial removal of modern partition walls to the ground floor, to the entrance lobby and in the room to the left of the entrance lobby, as well as a partition within the rear outrigger at both ground floor and first floor. Other proposed works include blocking the internal connecting doors to No.8, which would again be non-controversial. In summary, these works in themselves would offer some modest benefits, restoring the historic internal plan.

The description of development also includes repointing works. If undertaken on a like for like basis with lime-based mortar, then this would not appear to require listed building consent. As details are not provided however, this matter may have been addressed by condition.

Reference is made in the Heritage Statement and Planning Statement to roof insulation works in order to achieve the carbon savings detailed in the submitted Energy Report, but no further details are provided to understand scope and any potential impacts to historic fabric.

Based on this application, it is not fully possible to conclude whether the proposed residential use would preserve the significance of the heritage asset, or whether it would result in less harm / heritage benefits over the office use. It has therefore not been demonstrated that the proposed residential use would represent the optimum viable use for the site that conserves its significance (it is important to note that the optimum viable use may not necessarily be the most economically viable one, as set out in the NPPG).

The current office use over the last c.70 years has allowed for the building to be well maintained, with the fabric well preserved both internally and externally. There does not, therefore, appear to be any risk to the listed building if it were to remain in office use. The failure to demonstrate that the scheme would preserve or enhance the significance of the listed building conflicts with the requirements of the NPPF, Local Plan policies LP1 and LP3, and Publication Local Plan policies 28 and 29, and further adds to concerns that the change of use has not been fully justified given the protectionist approach to employment land in policies LP40, LP41 and publication local plan policies 21 and 23.

Issue iii - 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.

The surrounding area is dominated by commercial, office and residential uses. It is recognised that office and residential uses are generally seen to be compatible and as such an undue increase in noise or pollution would not occur as a result of the proposal.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018) and relevant Supplementary Planning Documents/Guidance.

Issue iv - Residential Standards

Part B of LP 35 sets out that all housing developments including conversions are required to comply with the Nationally Described Space Standards.

The proposal property is a 5-storey dwelling, with a small front garden and larger rear garden. The gross internal area of the building exceeds NDSS requirements.

In terms of residential room sizes, the proposals will provide sufficient internal spaces to meet the minimum room sizes set out in the SPD.

The standard requires that:	Officer Comments
b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom	Compliant

c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m ² and is at least 2.15m wide	Not Applicable
d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m ²	Complies
e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide	Complies
f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m ² within the Gross Internal Area)	The supporting 'Residential Standards Statement' is lacking in information and detail to confirm compliance with the NDSS. However, given the status and scale of the dwelling it is likely that the scheme complies with the relevant criteria.
g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all	
h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m ² in a double bedroom and 0.36m ² in a single bedroom counts towards the built-in storage requirement	
i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. Note, The London Plan requires 2.5m.	

In terms of outlook and light for residents, all habitable rooms are served with windows which will provide adequate daylight and outlook for each room.

The Residential Development Standards SPD (2010) recommends a minimum of 5 m² of private outdoor space should be provided for 1-2 person dwellings. The scheme provides sufficient private outdoor amenity space for the occupiers of the proposed dwelling.

Inclusivity

Paragraph 9.2.7 of policy LP35 states “Unlike the other standards in this policy, Part M of the Building Regulations generally does not apply to dwellings resulting from a conversion or a change of use.” As such part M of the building regulations does not apply to this scheme.

Issue v - Affordable Housing

Policy LP36 (Reg 19 Local Plan Policy 11) requires contributions for affordable housing from all small sites on a gross basis, further details are set out in the Affordable Housing SPD. The contribution that would be sought, given the type of site, number of dwellings proposed and the loss of employment would be 8% affordable housing. The submitted commuted sum spreadsheet includes an affordable housing percentage of 10% which would be correct if the proposal was for a new build but not on the basis of a conversion, as per the proposal. The applicant has provided an OMV within the commuted sum spreadsheet of £1,244,500, however, there is no justification provided for this value. The spreadsheet also does not include the correct weekly rent of £171.69 for a 4+ bed house, as per the Council’s most up to date tenancy strategy weekly rents, which were updated by the Council in April 2023 due to the GLA no longer publishing weekly rent levels for London Affordable Rents as of March 2023.

The information provided with the application has been passed onto the Council’s Planning Viability Advisor to review this application. Within the assessment from the Council’s Planning Viability Advisor, they have reviewed the proposed commuted sum using the pro-forma Annex A to the SPD. The Council’s Planning Viability Advisor has provided an assessment of similar property values close to the application site. There were 7 comparables currently for sale within close proximity to the site. The comparables for similar sized houses included an average price of £12,001/m². A 5% discount was then applied for buyer negotiation, resulting in a value of £11,401/m². When the average price per m² is applied to the application site it is equivalent to an OMV of £4,400,000 based on a GIA of 386sqm, as included within the submitted application

form. The OMV applied by the Council is significantly higher than the figure the applicants have included within the submitted commuted sum spreadsheet of £1,244,500. Given the lack of evidence provided by the applicant to justify the OMV of £1,244,500, the Council will apply the OMV figure as evidenced by the Planning Viability Advisor. On this basis, using the Council's weekly rents and the OMV as evidenced by the Council's Planning Viability Advisor, this results in an affordable housing contribution of **£217,077**. This is significantly higher than the contribution included within the submitted spreadsheet of £83,204, this is mainly due to the differing OMV provided by the applicant.

In this instance, the scheme was found unacceptable and therefore the application has not been progressed to the stage of securing this amount via a legal agreement or charging the applicant for a Council commissioned independent review of any viability evidence by the Council's Planning Viability Advisor (noting that it is a requirement in Policy LP36 for the applicant to meet the Council's costs in this regard). In the absence of the above, the lack of affordable housing contribution forms a reason for refusal as the proposal fails to address the recognised housing need, both in respect of conflict with LP36 and failure to satisfy the sequential approach in LP41. The applicant is advised to contact the Council to progress this in the event of any appeal.

Issue vi - Sustainability

Policy LP22 states "Developments will be required to achieve the highest standards of sustainable design and construction in order to mitigate against climate change." Developments of 1 dwelling unit or more will be required to comply with the Sustainable Construction Checklist SPD. New residences are also required to achieve the water consumption targets. Reversions which create a new residential unit are required to achieve BREEAM Domestic Refurbishment 'Excellent'.

The completed sustainable construction checklist demonstrates a score of 39 - Rating FAIL - Does not comply with SPD policy. Paragraph 6.3.2 of policy LP22 of the Local Plan (2018) states "The Council's Sustainable Construction Checklist SPD will be applied to development which involves the creation of one or more residential units, and commercial or other developments of 100sqm or more (including extensions). Applicants are required to submit an Energy Statement to show how the requirements of the themes within the Checklist have been met within the proposed new development."

Given the nature of development, it is acknowledged that it can be difficult for conversions to achieve a pass rating under the Sustainable Construction Checklist. The applicant has provided an 'Energy & Sustainability Statement' to show how energy/sustainability benefits are achieved through the scheme.

Page 17 of the 'Energy & Sustainability Statement' demonstrates that the new dwelling will comply with the maximum water consumption allowance of 110l per person per day (including an allowance of 5l or less per person per day for external water consumption).

Page 21 of the 'Energy & Sustainability Statement' states "A BREEAM pre-assessment has been undertaken at pre-application stage which has shown that a score of 61.35% and a Very Good rating is feasible. Although this does not meet the required target of 'Excellent' as set out in the Richmond Local Plan, this is unlikely to be feasible due to the proposed development involving the change of use of a grade II listed building and being situated within a conservation area. This means that there are restrictions on what updates and changes can be implemented and as a result, limitations on what credits can be achieved." Given the constraints of the site the 'Very Good' rating is acceptable in this instance.

The energy strategy has shown the cumulative CO2 savings on site are estimated at 45% over the existing building baseline assessment which has been modelled in line with Part L 2021, in line with policy LP22.

Issue vii - Transport and Refuse

Design

The site has a PTAL score of 6a, making it suitable to be car parking permit free, in line with LP21 T6. However, the applicant has submitted a parking survey in support of the single dwelling residential use which states the parking stress at 51%, which would be acceptable and thus council would have no objection to permits being issued for a single-family dwelling.

In accordance with the London Plan 2020 policy T5, a minimum of two secure, covered cycle spaces should be provided.

A house with 9 bedrooms should be provided with suitable space to store the following:

- 660L of general waste
- 2 x 55L recycling boxes
- 1 x 23L food waste box

No details of any space provided for waste/recycling storage have been provided although given the scale of the dwelling it is anticipated that suitable provision can be made.

Suitable cycle and refuse stores can be secured by way of condition.

Issue ix - Archaeology

Policy LP7 states that “the Council will seek to protect, enhance and promote its archaeological heritage (both above and below ground), and will encourage its interpretation and presentation to the public.”

The application site is located within an archaeological priority area. The proposal will not result in excavation works and therefore will not impact upon any archaeological remains. As such, no objection is raised to the proposal in this regard.

Issue x - Flood Risk

Policy LP21 of Local Plan 2018 concerns flood risk. Whilst the site is within flood zone 1, it does fall within a throughflow catchment area, and it is in an area of increased potential for elevated groundwater. However no groundworks are proposed or impacts that would affect surface water runoff.

Issue xi - Other Open Land of Townscape Importance and Metropolitan Open Land

The site is in close proximity to Other Open Land of Townscape Importance which is Old Palace Terrace. It is in close proximity to Richmond Green which is Metropolitan Open Land. Given the nature of the scheme, it is not likely to cause harm to these assets.

Other Matters

Fire Safety

The applicant has submitted a 'Fire Safety Strategy' to address policy D12 of the London Plan (2021).

The applicant is advised that 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.

8. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

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

This is to notify you that had this development received planning consent it would be liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2012).

9. RECOMMENDATION

Planning Balance

The proposal does raise concerns about the total loss of offices on the site. Whilst the marketing evidence is acknowledged, compliance with the sequential approach in LP41 has not been fully demonstrated and the harm arising from the loss of employment must be weighed against other policy priorities and benefits, the most relevant benefits which could be achieved through this proposal are heritage and affordable housing.

With regard to heritage, insufficient details have been submitted to demonstrate that the proposed residential use would preserve or enhance the listed building. Whilst some minor benefits have been demonstrated, potentially more harmful works could arise from the change of use, for which details which have been omitted from the application i.e. new plumbing and servicing to support kitchen and bathroom uses. As such it is not possible to assess the full impact of the new residential use to historic fabric, as a basis for comparison with the current office use. It has therefore not been demonstrated that the proposed residential use would represent the optimum viable use for the site that conserves its significance.

With regard to affordable housing contributions, under the sequential test in LP41 (part A.2c) maximum provision of affordable housing is required. In the absence of a binding legal agreement to secure an appropriate contribution towards off-site affordable housing, or agreement on a lesser contribution evidenced through an independent review of viability evidence at cost to the applicant, the application fails to address the recognised housing need within the borough and would be prejudicial to meeting the Council's affordable housing objectives.

Refuse planning permission for the following reasons

Loss of Offices

The development, by reason of loss of office floor space, would result in harm to the Borough's stock of office floorspace, to the detriment of the local needs of the Borough and is thereby contrary to, in particular, the NPPF (2023), London Plan (2021) Policies E1 and E2, policies LP 40 and LP 41 of the adopted Local Plan (2018) and Policy 21 and 23 of the emerging draft Local Plan (Regulation 19).

Heritage

In the absence of sufficient details of the proposed works, it has not been satisfactorily demonstrated the proposal will preserve or enhance the significance of the Grade II listed building. Accordingly, the proposals fail to accord with the statutory duty, paras 205, 206 and 208 of the NPPF (2023), Local Plan (2018), in particular, policies LP1, LP3, LP40 & LP41 and Publication Local Plan (2018) policies 28, 29, 22 & 23.

Reason for Refusal - Affordable Housing

In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, the scheme fails to address the recognised housing need and will be contrary to, in particular, to Local Plan (2018) Policy LP36, Supplementary Planning Document on Affordable Housing (2014) and Publication Local Plan (2018) policy 11.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

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

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

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

This application has representations on file YES NO

Case Officer (Initials): KM

Dated: 28.03.2024

I agree the recommendation:

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

South Area Team Manager:ND.....

Dated:28.03.2024.....