

<b>APPLICATION</b>	<b>23/2478/FUL</b>
<b>ADDRESS</b>	<b>Rear Of 19-23 Friars Stile Road Richmond</b>
<b>PROPOSAL</b>	<b>Demolition of the existing garages, erection of a residential dwelling (Use Class C3), parking, landscaping, store, alterations and improvements to the existing rear stair core to 19-23 Friars Stile Road and associated works.</b>
<b>APPLICANT</b>	<b>Malins Group</b>
<b>AGENT</b>	<b>Atlas Planning Group</b>
<b>CONTACT OFFICER</b>	<b>Jack Davies</b>
<b>APPLICATION RECEIVED</b>	<b>09.11.2023</b>
<b>WARD</b>	<b>South Richmond</b>

[https://www2.richmond.gov.uk/lbrplanning/Planning\\_CaseNo.aspx?strCASENO=23/2478/FUL](https://www2.richmond.gov.uk/lbrplanning/Planning_CaseNo.aspx?strCASENO=23/2478/FUL)



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Do not scale'

## 1. SUMMARY

- 1.1 The application comprises the demolition of the existing 7 x garages, erection of a 3 storey, 3 bedroom residential dwelling, associated parking, landscaping, a store for the adjacent commercial premises, and alterations to the existing rear stair core to 19-23 Friars Stile Road and associated works.

- 1.2 The principle of the garage demolition is considered acceptable given their existing structural state as well as their negative contribution to the Conservation Area. The applicant has effectively demonstrated that the parking spaces would not result in adverse impact upon local parking or traffic flows.
- 1.3 The proposal for residential development in this locality is considered acceptable, likewise the density of development which would contribute to the boroughs stock of family sized accommodation. The scheme includes an affordable housing contribution of £59,001 which would be secured via s106 agreement prior to the granting of permission.
- 1.4 The scale, design and siting of the proposed dwelling is considered acceptable and the contemporary style is considered to be of appropriate design which would be an improvement over the existing situation at the site. Likewise, the alterations proposed to the existing stair core are considered to be beneficial to the host BTM and conservation area.
- 1.5 The development preserves the amenity enjoyed by the occupants of adjacent properties. The proposals will result in an increase in scale on the site, however is subservient to adjacent properties and respectful of the prevailing pattern of development. It is not considered to appear unreasonably overbearing to nearby habitable rooms. The scheme identifies that there will not be harm impacts in regards to sunlight/daylight or to privacy for neighboring properties.
- 1.6 The development would introduce a range of sustainability initiatives and landscaping, including green roofs and permeable paving on a site which currently consists of hard standing. On-site renewable energy generation technology is proposed in the form of ASHP. The on-site savings exceed policy requirements.
- 1.7 The submitted flood risk assessment indicates the site has low risk from flooding sources. The scheme includes a basement and as such a screening assessment and basement impact assessment has been prepared and submitted by suitably qualified engineers. The contents of such identify the site to be at risk of ground water flooding, however have identified various recommendations for mitigation.
- 1.8 The Boroughs Transport Officer has confirmed that the car-parking, cycle-parking, proposed servicing and access arrangements to serve the development are acceptable and in accordance with adopted planning policy and that the proposed development would not exacerbate local parking stress or lead to adverse highway conditions. A sufficient servicing area would remain for the adjacent commercial premises and replacement storage is also provided.
- 1.9 Given the above it is considered that the proposals are in general conformity with the development plan and Planning Officers recommend the application is approved subject to conditions and a s106 agreement.

**It is recommended the Planning Committee authorises the Assistant Director (Planning & Transport Strategy)/Head of Development Management:**

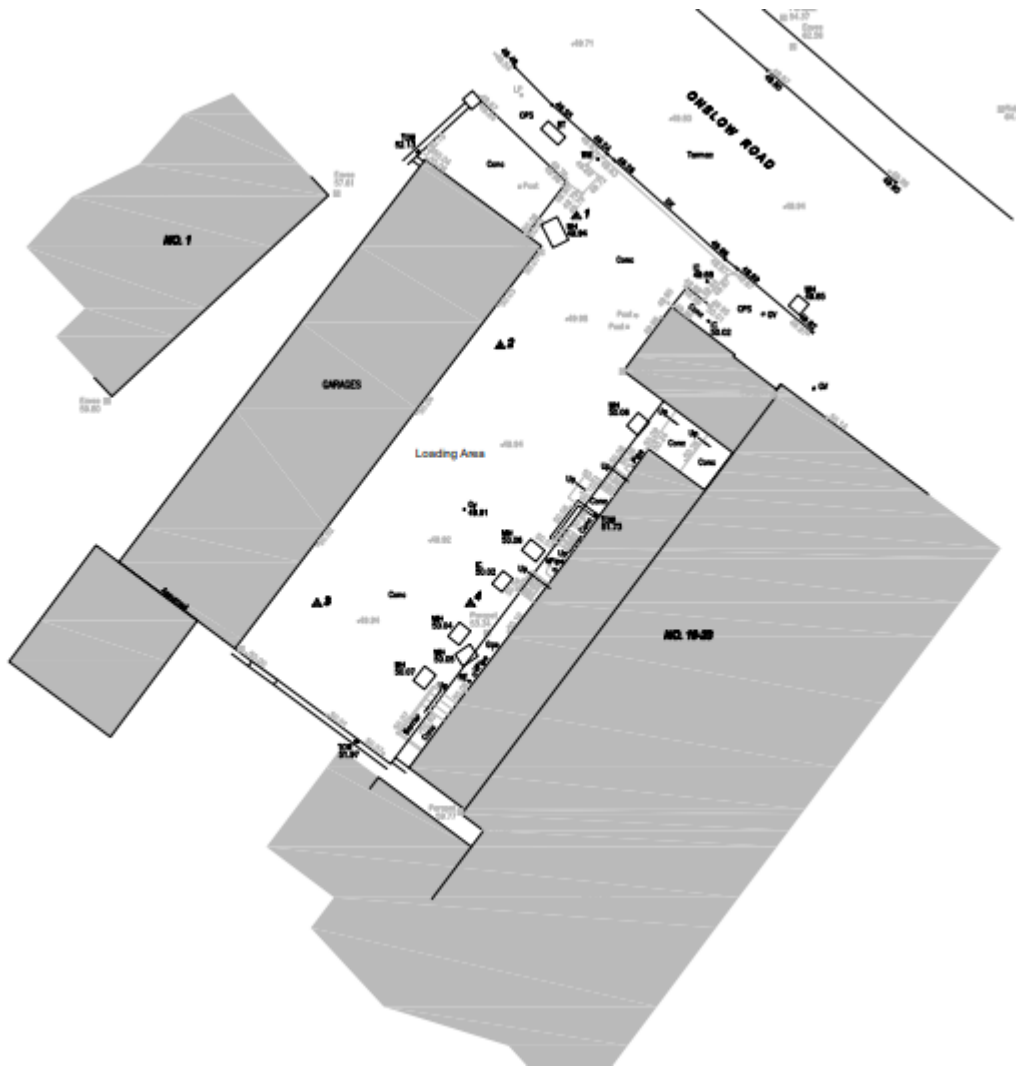
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| 1. | <p><b>1. To APPROVE planning permission subject to the conditions set out in section 11 upon the satisfactory completion of a S106 to secure the Heads of Terms listed in section 10.</b></p> <p><b>2. To REFUSE planning permission if an undertaking to secure the contributions listed in the Heads of Terms in section 10 of this report has not been satisfactorily completed within 6 months of the date of this resolution to grant, or in such time as to be agreed with the LPA, for the reason that the proposed development would not be accompanied by the necessary benefits and mitigation measures.</b></p> |
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## **2 REASON FOR PLANNING COMMITTEE DETERMINATION**

- 2.1 The Council's Constitution does not give the Assistant Director of Environment & Community Services (Planning & Transport Strategy) delegated powers to determine the application in the way recommended. The scheme has been requested to be heard at committee by Cllr Varley, should the application be recommended for approval. Cllr Varley has provided planning officers with reasons which are considered with material planning consideration and the request was made within the designated timeframe. As such, the decision can only be made by the Planning Committee.

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

- 3.1 The application site, whilst addressed on Friars Stile Road actually fronts Onslow Road. The site features a row of garages along the western boundary with the rest of the site covered by hardstanding, with what appears to be service and refuse storage areas for the ground floor commercial properties which front Friars Stile Road.
- 3.2 The site boundary also includes the stair core which provides access to 1-4 Onslow House, the residential units sited above the ground floor commercial premises at 19-23 Friars Stile Road.
- 3.3 The site is located within the St Matthias Richmond Conservation Area. The property to which the site is to the rear of is designated as a BTM as is the row of buildings to the west of the subject site along Onslow Road. 2-8 Onslow Road opposite the site are also BTMs.
- 3.3 The area surrounding the site is within mixed residential and commercial uses. Friars Stile Road features a range of commercial shopfronts with residential above as well as 3 storey residential terrace houses. Onslow Road mostly consists of 3 storey residential properties on the southern side of the street, and predominantly residential properties on the northern side of the street of varying height and style.
- 3.4 Richmond rail station is approximately 1200 meters from the application site. The site is located within a PTAL rating zone of 1b and within the CPZ of Richmond Hill A2 which operates between 08.30 and 18.30, Monday - Saturday.
- 3.5 The site is in flood zone 1, a critical drainage area as well as a Throughflow Catchment Area.



**Figure 1: Existing Site Plan**

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

- 4.1 The proposal seeks to demolish the existing garages and erect a 3 storey (plus basement), 3 bedroom residential dwelling with associated parking and landscaping, as well as alterations to the existing rear stair core to 19-23 Friars Stile Road. The scheme also seeks to re-provide storage and refuse space for the commercial properties at 19-23 Friars Stile Road.
- 4.2 The residential development can be accessed from Onslow Road via an existing access.
- 4.3 The scheme provides 2 x carparking spaces located at the front of the proposed dwelling to be used for the residential occupants.

**Relevant Planning Applications**

Ref	Proposal	Decision	Dec Date
97/2684	Demolition Of Existing Garages And Erection	Refused	07/09/1998

	Of Seven Garages With Office Space Over.		
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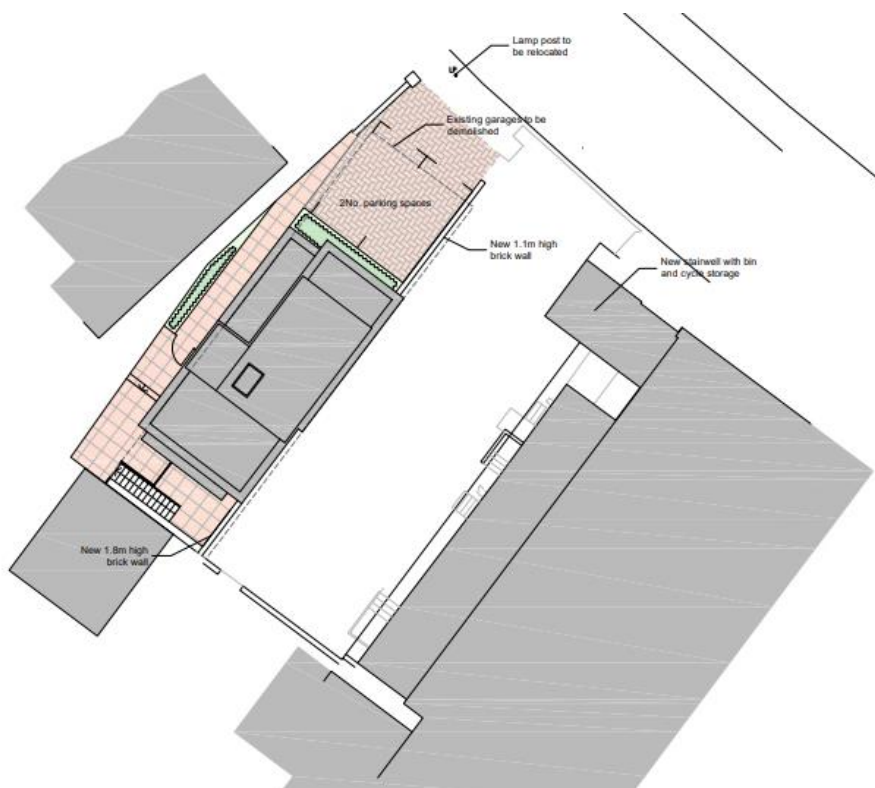
**Reasons for Refusal -**

*The proposed development by reason of its size, siting and design, would form an obtrusive feature in the streetscene and result in an overbearing and unneighbourly form of development which would be detrimental to the residential amenities of the locality, the setting of the adjacent Building of Townscape Merit and the character and appearance of this part of the St Mathias Conservation Area. The proposal is thereby contrary to Policies ENV 10, 13, 19 and 24 of the Unitary Development Plan.*

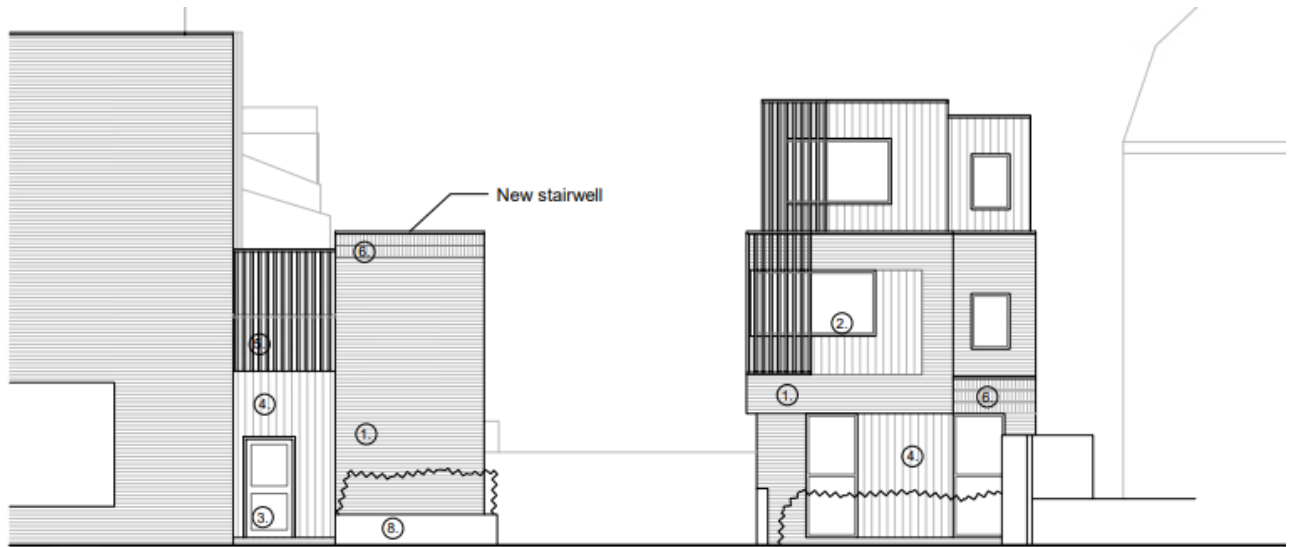
*The proposal fails to provide sufficient off-street parking to accord with the Council's car parking standards and as such is likely to result in obstruction caused by goods vehicles servicing the site and would thereby prejudice the free flow of traffic and conditions of general safety upon the highway. The proposal is thereby contrary to Policies TRN 22 and 23 of the Unitary Development Plan.*

**Relevant Pre-applications**

- 4.4 1 x Pre-Application has been undertaken, a summary is provided below
- 4.5 22/P0367/PREAPP– the pre-application was for demolition of the existing garages and the erection of a 3-bedroom residential dwelling (Use Class C3), parking, landscaping and associated works, together with alterations and improvements to the existing rear stair core to 19-23 Friars Stile Road.



**Figure 2: Figure 1: 22/P0367/PREAPP layout**



**Figure 3: Context Elevations**

- 4.6 The advice indicated that Councils Conservation Officers could be supportive of the contemporary design, also noting the stair core alterations would be an improvement. However, Officers also noted:
- a) The applicant would need to demonstrate the loss of garages would not lead to overspill parking.
  - b) The applicant should demonstrate compliance with the Nationally Described Space Standards.
  - c) concerns raised in regards to loss of light and appearing overbearing, particularly to No.1 Onslow Road.
  - d) Objection raised to the wider crossover created and advised to explore other options for parking.

## 5 DEVELOPMENT PLAN

- 5.1 **London Plan (2021):** [https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

Issue	London Plan Policy
Town Centres	SD6, SD7, SD8
Making the best use of land	GG2
Delivering good design	D4
Inclusive design	D5
Housing Quality and Standards	D6
Fire Safety	D12
Heritage conservation and growth	HC1
Minimising greenhouse gas emissions and Energy Infrastructure	SI 2, SI 3, SI 4
Flood Risk Management	SI12
Sustainable drainage	SI13
Strategic approach to transport	T1
Transport capacity, connectivity and safeguarding	T3
Assessing and mitigating transport impacts	T4
Cycling	T5
Car parking	T6

5.2 **London Borough of Richmond Local Plan (2018):**  
[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

<b>Issue</b>	<b>Local Plan Policy</b>
Local Character and Design Quality	LP1
Building Heights	LP2
Designated Heritage Assets	LP3
Non-Designated Heritage Assets	LP4
Impact on Amenity and Living Conditions	LP8
Local Environmental Impacts, Pollution and Land Contamination	LP10
Subterranean development and basements	LP11
Green Roofs and Walls	LP17
Climate change Adaptation	LP20
Impact on Flood Risk and Sustainable Drainage	LP21
Sustainable Design and Construction	LP22
Water Resources and Infrastructure	LP23
Waste Management	LP24
New Housing, Mix, Standard, Affordable Housing	LP34, LP35, LP36
Infill, Backland and Backgarden Development	LP39
Sustainable Travel Choices	LP44
Parking Standards and Servicing	LP45

**6 MATERIAL PLANNING CONSIDERATIONS**

**National Planning Policy Framework (NPPF) (2023)**

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

These policies can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1182995/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf)

**Supplementary Planning Documents**

- Design Quality
- Small and Medium Housing Sites
- Transport
- Refuse and Recycling Storage Requirements
- Sustainable Construction Checklist
- Affordable Housing
- Buildings of Townscape Merit
- Richmond and Richmond Hill Village Planning Guidance SPD

More information on these documents can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

**Other Local Strategies or Publications**

DCLG/Department of Transport – Manual for Streets  
Community Infrastructure Levy  
St Matthias Conservation Area Statement and Study  
Strategic Flood Risk Assessment 2021

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

- 6.1 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.
- 6.2 The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement at this stage; all other aspects and requirements of these policies will apply.
- 6.3 The main policies applying to the site are:

<b>Issue</b>	<b>Reg 19 Local Plan Policy</b>
Local Character and Design Quality	28
Building Heights	45
Designated Heritage Assets	29
Non-Designated Heritage Assets	30
Impact on Amenity and Living Conditions	46
Local Environmental Impacts, Pollution and Land Contamination	53
Green Roofs and Walls	38
Climate change Adaptation	4
Impact on Flood Risk and Sustainable Drainage	8
Sustainable Design and Construction	6
Water Resources and Infrastructure	9
Waste Management	7
New Housing, Mix, Standard, Affordable Housing	10, 11, 13
Infill, Backland and Backgarden Development	15
Small sites	16
Design process	44
Sustainable Travel Choices	47
Parking Standards and Servicing	48
Basements and subterranean developments	54

**Determining applications in a Conservation Area**

- 6.4 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.



- 6.5 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.
- 6.6 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.

## **7 CONSULTATIONS CARRIED OUT**

- 7.1 50 letters were sent to neighbouring properties on 14.09.2023, site notices were placed near the site and an advert was placed in the local newspaper.
- 7.2 39 letters of objection have been received from 26 different sources, as well as 2 letters of observation (full comments are available on the Council’s website).

- 7.3 The concerns raised could be summarised as:

- Loss of light
- Loss of view from garden
- Visually intrusive
- Impact to local shops due to loss of storage and servicing area
- Change in character to the area
- Increased traffic
- Increased noise
- Out of character
- Impact on conservation area
- Contemporary design inappropriate
- Scale of building inappropriate
- No public benefits
- Drainage issues and impact on surface and ground water
- Lack of details
- Privacy impact
- Parking impacts
- Access issues
- Impact to historic artefacts
- Structural Impact of basement development
- Inaccuracies in light assessment
- Blocking view of trees
- Impact to community
- Obstruction of right of way

- 7.4 The observations raised the following issues:

- Support of regeneration of the area

- Notes garages are an intrusive feature
- Concern regarding impact to community
- Concern regarding impact to conservation area
- Concern regarding impact to shops

7.5 6 x letters of general support was also received which are summarised as follows:

- Supports the redevelopment of the dilapidated garages
- Supports the new waste storage arrangements
- Well dedigned proposal
- General improvement to site
- Notes housing shortage
- Supports more sustainable structures

7.6 It is noted that a petition was also received by council which included several hundred hand signed and digital signatures. The petition was signed in agreeance with the following:

*I , the undersigned value the Richmond Hill shops as a customer and visitor*

*I believe the amenity, community impact and vibrancy of the area will be lost if the planning application (23/2478/FUL ) is approved to demolish the garages and thus drastically reduce the shops facilities ( parking , bin provisions, storage, unloading /loading space. Delivery access ) so making them inoperable without first being withdrawn and amended to make explicit the guaranteed appropriate provisions by the applicant ( the property owners ) for all 5 of these essential elements for these vital local businesses .*

The petition objections were subsequently withdrawn by the submitter, however are included here for informational purposes.

7.7 The Committee is also advised that Nos. 19 and 21 Friars Stile Road withdrew their objections.

### Consultees

Consultee	Comment
Policy	Notes the scheme meets NDSS requirements for internal floor area, however notes that outdoor space area should be clarified. Affordable housing contribution is calculated at £59,001
Urban Design	Notes garages currently do not contribute to locality. Specifies that materials, siting, scale and design of new build is acceptable. Notes the proposals to the existing stairwell are improvements.
Transport	Initially objected on grounds that there was insufficient information submitted to determine that vehicles could enter and exit the site safely and also that the loss of garages would not result in harmful impact on local parking and traffic flow. Following the submission of additional information, the objection was removed.
Waste	No objections

### Revisions

7.7 The Committee is also advised that the following amendments were made throughout the course of the application:

- Additional drawings provided to demonstrate floor space of existing garages;
- Additional drawings provided to demonstrate swept paths analysis;
- Amendments to stairwell façade;
- Plans and elevations of commercial store;

- Location of green roof provided; and
- Location of ASHP provided.

## **8 EXPLANATION OF OFFICER RECOMMENDATION**

8.1 The main planning considerations for this application are assessed as:

- i. Principle of use
- ii. Heritage, character and appearance
- iii. Residential amenity
- iv. Highways and parking
- v. Affordable Housing
- vi. Housing Mix and Standards
- vii. Sustainability
- viii. Flooding, surface water drainage and basement development
- ix. Fire Safety

### **i. Principle of Use**

#### Demolition of Garages

- 8.2 The proposals include demolition of the existing 7 x garages and the development of a 3 bedroom detached property.
- 8.3 The application has been submitted with a schedule of condition which outlines that the garages are structurally unsound, not watertight, contain damaged asbestos and are 'at the end of their life'. The Council's Conservation and Urban Design Officers have reviewed the submission and notes that the garages do not positively contribute to the special character of the Conservation Area.
- 8.4 Given such, the principle of demolishing the garages is accepted, subject to meeting other policy requirements which will be further discussed throughout this report.

#### Residential Use

- 8.5 The proposed residential use would be an appropriate use at this location, noting that co-existence of both residential and commercial properties in the locality. The scheme seeks approval for 1 x 3-bedroom property, located outside the main centre of Richmond, whereby family accommodation is preferable in accordance with policy LP35.
- 8.6 Policy LP34 covers the Borough's housing target which is 3,150 homes for the period 2015-2025. It further states that the Council will exceed the minimum strategic dwelling requirement, where this can be achieved in accordance with other Local Plan policies.
- 8.7 The London Plan encourages development on small sites, stating that boroughs should proactively support well-designed new homes on small sites to meet housing needs, diversify the housing supply and support small and medium-sized housebuilders. The supporting text to policy H2 states that "For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan making".
- 8.8 The London Plan specifically notes at para 4.2.4 that:

*“Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London’s needs.”*

- 8.9 Policy 16 of the Publication Local Plan similarly supports delivery of the small sites target. In particular intensification is encouraged on sites with good transport accessibility and within 800m of a station, major or district centre boundary. Policy 15 further supports optimising housing delivery in Areas of Intensification. Although the site has a poor PTAL, it is within 800m of the Richmond Town Centre boundary, comprises redevelopment of garages and is within the Area for Intensification.
- 8.10 Given the above, planning officers consider that the principle of residential development on this site can be appropriate.

## **ii. Character, Appearance and Impact on Heritage Assets**

- 8.11 The NPPF (National Planning Policy Framework) advises good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. The NPPF also states “planning decisions should support development that makes efficient use of land, and where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities and that developments make optimal use of the potential of each site”. Further, “LPAs should refuse applications which they consider fail to make efficient use of land”.
- 8.12 Local Plan Policy LP1 states that the Council will require 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. The emerging Local Plan (policy 28) reflects the requirements of adopted policy.
- 8.13 The NPPF states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.14 Policy LP3 requires new development to conserve and enhance the character and appearance of Conservation Areas. Furthermore, policy LP4 seeks to preserve and enhance, non-designated heritage assets, such as Building of Townscape Merit (BTM) by protecting their significance, character and setting. These principles are echoed in publication Local Plan Policies 29 and 30.
- 8.15 Policy LP 39 - Infill, Backland and Backgarden Development, states that all infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. In considering applications for infill and backland development the following factors should be addressed:
1. Retain plots of sufficient width for adequate separation between dwellings;
  2. Retain similar spacing between new buildings to any established spacing;

3. Retain appropriate garden space for adjacent dwellings;
4. Respect the local context, in accordance with policy LP 2 Building Heights;
5. Enhance the street frontage (where applicable) taking account of local character;
6. Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;
7. Retain or re-provide features important to character, appearance or wildlife, in accordance with policy LP 16 Trees and Landscape;
8. Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;
9. Provide adequate servicing, recycling and refuse storage as well as cycle parking;
10. Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

8.16 The above is echoed in Publication Local Plan policy LP15, with some minor revisions – stating infill or backland development should:

1. *Retain plots of sufficient width for adequate separation between dwellings;*
2. *Retain similar spacing between new buildings to any established spacing;*
3. *Retain appropriate garden space for adjacent dwellings;*
4. *Respect the local context, in accordance with Policy 28 'Local Character and Design Quality (Strategic Policy)';*
5. *Enhance the street frontage (where applicable) taking account of local character;*
6. *Incorporate or reflect materials and detailing on existing dwellings, in accordance with Policy 28 'Local Character and Design Quality (Strategic Policy)';*
7. *Retain or re-provide features important to character, appearance or wildlife, in accordance with Policy 42 'Trees, Woodland and Landscape';*
8. *Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with Policy 46 'Amenity and Living Conditions ';*
9. *Provide adequate servicing, recycling and refuse storage as well as cycle parking;*
10. *Result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.*
11. *Result in no significant loss of garden land, unless in some cases a well-designed backgarden development at an intimate scale with appropriate mitigation such as to improve biodiversity, accords with all the factors above and there is no identified harm to the local area.*

#### Demolition of Garges

8.17 The existing site comprises 7 x garages in poor repair which do not contribute positively to the character or appearance of the conservation area. There is no objection to their demolition in regard to design and heritage.

#### Proposed Dwelling

8.18 The site is located within the St Matthias Conservation Area. All sites adjacent are locally designated as Buildings of Townscape Merit (BTM), including the existing property at 19-23 Friars Stile Road, which is an early Eric Lyons Span development of shops with flats above from the 1950s which forms a positive feature of the street scene.

8.19 The proposal is for a modernist 3 storey house with upper floors set back. Conservation Officers note that the design approach seems correct as the Span development from the 1950s was modernist at the time.

8.20 The indication of materials is acceptable. The intention is to relate the brickwork to that of the frontage building, and refaced stairwell. This has quite a muted tone which would be appropriate

or the new building. Details of materials can be secured by condition. Details of windows and doors will also be secured by way of condition to ensure a quality development in the CA.

- 8.21 The siting of the proposed building allows for a gap to the adjoining BTM at 1 Onslow Road, and would allow the return wall of the BTM to remain visible.
- 8.22 It is noted that the existing garages allows views to be appreciated into the backgardens of those properties fronting Friars Stile Road, which benefit from verdant characteristics. The views of the backgardens positively contributes to the conservation area. It is recognised that the proposed development would somewhat compromise these views, however it is also appreciated that the development does not encompass the entire width of the rear of nos 19-23 and as such there remains opportunity to view the rear garden areas from the street. Given such, the siting and massing of the development is considered to be appropriate.
- 8.23 The building line of the proposed development is set behind the prevailing building line of Onslow Road. This is considered acceptable given the proposed scheme is of reduced scale and of contemporary design in relation to neighbouring properties. The scale of the building has a subservient appearance compared to its neighbours and as such the recessed building line is appropriate.
- 8.24 The conservation officers note that further input of soft landscaping would be beneficial to the site. A hard and soft landscaping condition can be attached to a successful application which provides the applicant the opportunity to provide further green features. The inclusion of a front boundary wall with soft landscaping on the Onslow Road frontage will positively enhance the Conservation Area.
- 8.25 The siting of the car parking space to the front of the proposed dwelling is acceptable given the existence of similar arrangements to residential properties on this side of Onslow Road and the existing situation on site.
- 8.26 The rear sunken terrace providing light and ventilation to basement accommodation is modest in scale and has no impact on the Conservation Area given the discreet rearward siting.

#### Alteration to existing stairwell

- 8.27 The stairwell to the frontage building is proposed to be reclad and slightly elevated in height. This is considered to be beneficial overall. The existing stair enclosure looks out of place and a negative feature of the street scene and Conservation Area. Revised drawings have been received, which incorporates some further articulation to the façade in order to create more interesting features and avoid an overly dominant frontage.

#### New Commercial Store

- 8.28 The proposed store is located adjacent the existing boundary wall with No.17 Friars Stile Road. The store is considered to be subservient to the proposed dwelling as well as the properties fronting Friars Stile Road. Materials are in-keeping with the proposed design, and further information can be provided by way of condition.
- 8.29 Overall, it is considered that proposals would preserve the character and appearance of the conservation area and would not cause harm to the setting of the BTMs. The proposals are considered to accord with the statutory duty of the 1990 Act, paras 199, 200 and 203 of the NPPF, Local Plan policies LP1, LP3, LP4 and LP39, and Publication Local Plan policies 15, 16, 28, 29 and 30.

8.30 It is noted that an objection was received which objects on grounds that the site may contain interesting remnants from the war. The site is not located within an area designated with archaeological priority and as such there is no planning policy requirement for further investigation to be undertaken.

### iii. Impact upon Amenities of Neighbouring Occupiers

8.31 The proposed redevelopment would alter the character and appearance of the site. Whereas there would be a change of view for properties surrounding the site, primarily due to the proposal for a 3-storey development over an area which is currently occupied by a single storey garage, the planning system cannot protect specific views from private properties (unless these are strategically important) but can only consider whether a proposed development is intrusive or overbearing to the outlook of a property, particularly residential properties, due to the massing and proximity of a proposal, and whether this would cause demonstrable harm to the amenity of the property.

8.32 The site is bounded by residential properties on Friars Stile Road and Onslow Road. The relationship of the massing, bulk and orientation of the new residential unit with the nearest residential neighbours is demonstrated in the image below:



**Figure 4: 3D perspective showing relationship of proposal (blue) with neighbours (Source: Right of Light Consulting)**

8.33 The application has been submitted with a Daylight & Sunlight Report which has been prepared by Right of Light Consulting. This assessment has been carried out in accordance with the BRE 'Site layout planning for daylight and sunlight' which sets out guidance on site layout to provide safeguarding of daylight and sunlight within existing buildings nearby. The assessment applies Vertical Sky Component (VSC) tests which measures the amount of available daylight from the sky received at a particular window, the No Sky Line (NSL) method, which describes the

distribution of daylight within rooms by calculating the area of the working plane which can received a direct view of the sky and Annual Probable Sunlight Hours (APSH) tests.

- 8.34 The applicants report concludes that *'In summary, the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.'* The statistical results presented confirm that there is no demonstrably harmful loss of daylight or sunlight to neighbouring habitable room windows or gardens.

*No.1 Onslow Road*

- 8.35 No. 1 Onslow Road is located directly adjacent to the development site to the north-west. The property benefits from both rear and side facing openings.
- 8.36 The Daylight & Sunlight reports note that the side facing windows to this property do not serve habitable rooms. This was confirmed by the case officer in correspondence with the occupant of this property. As such, whilst the report identified a loss of sunlight and daylight to these side windows, the results can not be considered demonstrably harmful to residential amenity given the current use of the windows.
- 8.37 Likewise, given the non-habitable use of the rooms which are served by side elevation windows, it is not considered that planning officers would raise objection to the proposal appearing overbearing to this side elevation in regards to amenity impact.
- 8.38 It is noted that rear of the proposed property is set slightly further back than No.1 Onslow Road's rear elevation, however this distance is marginal and easily passes the BRE 45 degree test. As such it is not considered that there would be adverse impact to sunlight/daylight or appearing overbearing to rear windows or the rear amenity space which would warrant a reason for refusal.
- 8.39 There are no side facing windows proposed which face No.1 Onslow Road. Privacy will not be impacted.
- 8.40 A new 1.8m high fence is proposed on the boundary with this neighbour. Given that this is lower in height than the existing garages, it will not be harmful to amenity.

*No.17 Friars Stile Road*

- 8.41 This property comprises four flats. 17A is a lower ground floor flat with rear habitable room windows and an outbuilding identified for use as a studio/office in the planning history. The outbuilding has windows facing towards no 17 itself which are restricted in their lateral outlook by an overhanging roof and the side boundary treatment. Given this and the siting of the dwelling largely adjacent to the outbuilding, the scheme is not considered visually intrusive or overbearing to this garden room.
- 8.42 The Sunlight/Daylight report evidences that the scheme will pass BRE tests measured against habitable room windows at this property. It is noted that the property has north-westerly facing outlook to the rear, and the application site is located to the north of No.17, and as such the scheme is orientated so that it would not block direct sunlight.
- 8.43 The dwelling will be visible in oblique views from rear windows and in direct views from the amenity space. Officers appreciate that the addition will result in a change of view to No.17 given the increase in height of the dwelling over the existing single storey structure. However, as set out above the loss of a private view is not a material planning consideration. With respect to visual intrusion, which is a material planning consideration, the new dwelling is not



considered to be materially harmful given the separation distance and stepped design of the proposal. Given such it is not considered the scheme would appear overbearing to this property which would warrant a reason for refusal.

- 8.44 The proposed store is to be located along the shared boundary with No.17. It is understood from the submitted elevations that the store will be no taller than the existing 2m tall brick wall plus 0.5m tall trellis above on this boundary. Whilst the trellis is not a completely solid structure, the addition a structure behind and no taller than the trellis is not considered visually intrusive. As set out above, there would be no harm to daylight or sunlight given the limited height and northerly positioning. As such, it is not considered that this element would result in harmful impact above and beyond the existing situation which would warrant a reason for refusal.
- 8.45 The application scheme includes a first floor window which would afford views to the rear, overlooking the roof of the outbuilding and the garden of No.17. Whilst views of the private open space are noted, it is appreciated that a mutual degree of overlooking occurs given the existence of other upper floor rear facing windows along both Friars Stile Road and Onslow Road. As such, it is not considered privacy will be impacted to an extent that would warrant a reason for refusal.

*Nos.19-23 Friars Stile Road / Onslow House*

- 8.46 The ground floor to these properties are in commercial use and as such the impact of the scheme is considered negligible.
- 8.47 The upper floors are in residential use. They are accessed from the rear landing however it is noted that the rear facing habitable windows which are orientated towards the development are situated at higher levels and pass the BRE 25 degree test. It is not considered the proposal would be overbearing to these properties as a result. Further, the scheme would be seen in the context of the flank elevation of No.1 Onslow Road within the backdrop as viewed from these residential units.
- 8.48 The submitted BRE report notes the BRE tests are passed for all habitable rooms to this building.
- 8.49 Side facing windows are proposed ground and first floor levels. The ground floor window is high level and will overlook the service area. The first floor windows will be obscure glazed/non openable to a height of 1.7m above floor level and this can be secured by way of condition.

*Nos 4-8 Onslow Road*

- 8.50 These properties are located on the opposite side of Onslow Road to the application site. Given the separation distance and the siting of the front elevation behind the established building line of larger adjacent properties, it is not considered that the scheme would appear overbearing to these properties.
- 8.51 The Sunlight/Daylight report evidences that all windows pass the BRE tests undertaken for these properties. An objection is noted from the owner at Nos 6-8 that the report has misunderstood the layout of their property, however given the tests are passed this is not considered to materially impact on the assessment of the scheme.
- 8.52 There are windows to the front elevation of the proposed dwelling which would look directly at Nos 4-8 Onslow Road, although as these are street facing it is appreciated that a mutual degree of overlooking occurs and as such there is no objections raised.

### *Noise Impact*

- 8.53 An air source heat pump is noted to the rear of the site to provide sustainable energy. A condition can be attached to a successful application requiring further details in regard to noise to be submitted and approved prior to first use.
- 8.54 Given then above, subject to conditions the proposal is considered to satisfy the requirements of Local Plan Policy LP8.

### **iv. Highways and Parking**

- 8.55 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy LP 44 states that developments will have to demonstrate that new development does not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks.
- 8.56 The scheme proposes to retain the existing access from Onslow Road. The site has a PTAL score of 1b and is in the CPZ of Richmond Hill A2 which operates between 08.30 and 18.30, Monday - Saturday.

### *Parking*

- 8.57 The proposal includes 2 x parking spaces for the residential dwelling, which is in accordance with London Plan requirements. The applicant has provided a swept path analysis which demonstrates that cars can enter and exit in a safe manner. An EV charging point will service these spaces.
- 8.58 The scheme has been submitted with a parking stress survey which outlines that there is high parking stress in this location. As such, any successful application would be required to enter into a s106 agreement with council which precludes future occupants from obtaining parking permits.

### *Loss of garages*

- 8.59 The applicant has submitted plans which demonstrate that the existing car parking spaces are below the Councils SPD standards for garages and as such are currently not fit to house modern vehicles.
- 8.60 Notwithstanding such, it is noted that 2 x spaces are currently used to house classic cars. It is noted from the submitted information that these are rented by Nos 6-8 Onslow Road. Officers note that this property was subject to a planning application (10/0616/FUL) which extended the residential use through conversion of a B1 unit. The officers report at the time identified that no. 8 already had 2 car parking permits. To restrict the potential for additional on-street parking arising from the expansion into no. 6, the planning permission was subject to a legal agreement which restricts no 6-8 to a maximum of 2 car parking permits. Given such, the loss of the garages will not result in additional permits being sought over that which this property already has and as such the loss of the garages would not result in increased parking stress to the street. Given the above it is considered that the loss of existing garages is adequately justified.
- 8.61 It is apparent from the objections received that the commercial properties fronting Friars Stile Road use the existing garages for storage, which helps the vitality of their business. This appears to be a temporary arrangement, and officers do not see merit in arguing that the use of the garages for car storage has strayed. Notwithstanding such, the scheme seeks to re-provide

storage space for the shops, the shops themselves are unaffected and remain a viable size, and thus there is no objection to this element.

#### *Servicing*

- 8.62 The applicant has shown storage space in the kitchen of the new dwelling for waste and recycling. It is understood that waste will be presented to the street on collections days and this is acceptable. Further detail can be secured by way of condition.
- 8.63 A separate waste storage is also shown for the commercial units. This is located under the stair core and appears in an appropriate location.
- 8.64 The rear of the site will continue to be used for servicing for the commercial shops. The width of the plot to accommodate the new dwelling is no wider than that currently occupied by the garages and so the functionality of the existing service area is unaffected by this element. The applicant has submitted a swept paths analysis to demonstrate that service vehicles can enter and exit safely. This has been reviewed by the Councils Transport Officer whom has no objections. The additional storage unit at the rear will reduce the servicing area but this will not impact access and is being provided for the benefit of the commercial premises.
- 8.65 An objection from no 17 raises concerns that a previously existing, now closed, right of way exists between the properties. A gate which was constructed in 2013 previously existed on the shared boundary wall with No.17. This is a civil matter between the parties and is not considered to materially impact the application. The development would not prevent fire escape to No.17 which is afforded through the front entrance.

#### *Construction Management Plan*

- 8.66 The applicant has provided a Construction Management Plan with this application. The Councils Transport Officer has reviewed this and recommends a final transport plan be submitted prior to commencement of works.

#### *Cycle Parking*

- 8.67 The development provides 2 x cycle parking spaces located in the rear courtyard. This is in accordance with the minimum off-street cycle parking standard set out in the London Plan (2021). Further detail can be secured via condition.
- 8.68 Overall the scheme is compliant with the London Plan, Local Plan policies 44 and 45, Publication Local Plan policies 47 and 48, and the Transport SPD.

#### **v. Affordable Housing**

- 8.69 Policy LP36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The financial contribution sought would be discounted to represent 5% affordable housing, given the proposal is for one new unit.
- 8.70 A contribution of £59,001 is suggested. Subject to a section 106 agreement securing the contribution, Local Plan Policy LP36 is considered to be satisfied.

#### **vi. Residential living standards**

- 8.71 Policy LP35 of the Local Plan as well as Publication Local Plan Policy LP13 requires all new housing to be designed to a high standard, whilst respecting Nationally Described Space Standards and cognizant of Building Regulation Requirement M4 (2). The residential unit

complies with the London Plan in terms of minimum unit and room size and floor to ceiling height. The dwelling will be compliant with Building Regulations Part M4 (cat 2) Accessible and Adaptable Standards.

- 8.72 The dwelling benefits from private open space by way of a basement and ground floor terrace. The terrace is approx. 20sqm and this is greater than the NDSS requirements. The scheme is policy compliant.

#### **vii. Sustainability**

- 8.73 Policy LP 20 promotes and encourages development to be fully resilient to the future impacts of climate change. Policy LP 22 of the Local Plan requires that developments achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change.
- 8.74 The application has been supported by an Energy Statement and sustainability checklist which provides details of various measures and the be lean, seen, clean and green hierarchy. Air Source Heat Pumps have been confirmed as the most suitable energy strategy. The report advises that total carbon dioxide savings would amount to 60.96% which is considerably in excess of Local Plan requirements of 35%.
- 8.75 The applicants sustainable construction checklist also confirms the development will achieve internal water consumption limited to 105L per person per day.

#### **viii. Flooding/Surface water Drainage Strategy**

- 8.76 In accordance with policy LP21 of the Local Plan (2018), all developments should avoid, or minimise, contributing to all sources of flooding. Development will be guided to areas of lower risk by applying the 'Sequential Test' as set out in national policy guidance, and where necessary, the 'Exception Test' will be applied. All new development will be required to incorporate Sustainable Drainage Systems (SuDS). London Plan policy SI13 requires a sustainable drainage strategy to follow the drainage hierarchy.
- 8.77 The site lies within Flood Zone 1. The Council's Strategic Flood Risk Assessment requires a sequential test to be applied in Flood Zone 1 if there are existing flood issues from other sources. An exception is where the site is in an area at low risk from all sources of flooding. The Council's SFRA identifies part of the site in a critical drainage area. The application is supported with a full Flood Risk Assessment (FRA) which considers the risk of flooding from tidal, fluvial, groundwater and artificial sources and finds this to be low.
- 8.78 In regard to sustainable drainage, it is noted that the entire site is currently hard standing. The scheme proposes permeable paving as well as green roofs which will be an improvement. Whilst not meeting the greenfield run-off rate, the SUDs scheme does restrict runoff to 2.0l/s meeting the policy requirement. Further detail of a final drainage strategy can be secured by way of condition.
- 8.79 The site is located within a throughflow catchment area, and as per the requirements of the Strategic Flood Risk Assessment (SFRA) (2020), subterranean development in such designated areas must be accompanied by a screening assessment and a basement impact assessment if necessary. In this instance the application has been submitted with both.
- 8.80 The submitted basement impact assessment indicates that 2 x probes were dug to a depth of 5-8m. The probes encountered made ground, Boyn Hill Gravel Member and London Clay Formation. Groundwater was encountered at 3.4mbgl at time of drilling with further monitoring encountering water at 1.93 and 2.93m bgl. The proposed basement extends into the ground by approx. 3.5m.

- 8.81 The BIA concludes that given the early encounters with groundwater, it is likely to pose a risk at excavation stage. The conclusions also set out that the development would act as a barrier to ground water flow given the encounters with shallow ground water. The report however indicates at section 10.1 that *'The basement was isolated and so the increase would probably be negligible, as GW could still flow around it without increasing the length of the flow path significantly'*. The report is accompanied by various mitigation measures to alleviate risk of groundwater flooding as well as other potential impacts.
- 8.82 The Basement Impact Assessment has been prepared and submitted by suitably qualified engineers. The contents of the report outline various mitigation measures and it is understood that if followed the risk of the potential impacts outlined within the report can be mitigated. A condition will accompany a successful application which requires the basement to be constructed in accordance with the submitted BIA.
- 8.83 In regards to Local Planning Policy LP11 states that:
- B. Proposals for subterranean and basement developments will be required to comply with the following:*
- 1. extend to no more than a maximum of 50% of the existing garden land or more than half of any other undeveloped garden area (this excludes the footprint of the original building);*
  - 2. Demonstrate the scheme safeguards the structural stability of the existing building, neighbouring buildings and other infrastructure, including related to the highway and transport; a Structural Impact Assessment will be required where a subterranean development or basement is added to, or adjacent to, a listed building.*
  - 3. use natural ventilation and lighting where habitable accommodation is provided;*
  - 4. include a minimum of 1 metre naturally draining permeable soil above any part of the basement beneath the garden area, together with a minimum 200mm drainage layer, and provide a satisfactory landscaping scheme;*
  - 5. demonstrate that the scheme will not increase or otherwise exacerbate flood risk on the site or beyond, in line with policy LP 21 Flood Risk and Sustainable Drainage;*
  - 6. demonstrate as part of a Construction Management Statement that the development will be designed and constructed so as to minimise the impact during construction and occupation stages (in line with the Local Environmental Impacts, Pollution and Land Contamination policy of this Plan);*
- 8.84 In this regard, the basement extension is located within the footprint of the building. A Structural Impact Assessment is not a planning policy requirement. A living room is proposed at basement floor level, and this is provided ventilation through direct access to the terrace. The Flood Risk Assessment and BIA demonstrates that flood risk can be mitigated. A CMP can be conditioned to be submitted prior to commencement of works.
- 8.85 Subject to conditions, the scheme is considered to satisfy the requirements of Local Plan Policy LP11 and LP21 and Publication Local Plan policies 8 and 54.

#### **ix. Fire Safety**

- 8.86 Policy D12 of the London Plan (2021) states in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
- 8.87 The applicant has submitted a Fire Statement by BB7. A competency statement is provided citing the Company's and author's accreditations and qualifications to satisfy the requirements of policy D12 and its supporting text at para 3.12.9.

- 8.88 A fire safety statement has been submitted with this application and is considered to meet the requirements of Local Plan Policy D12. Members are advised that these proposals will need to fully comply with the Building Regulations. This permission is NOT a consent under the Building Regulations.

## 9 OTHER MATERIAL CONSIDERATIONS

### Housing Land Supply

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

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

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

- 9.2 Footnote 8 of the NPPF (2021) clarifies that:

*'8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'*

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

### Local Finance Considerations

- 9.4 The site is liable for Community Infrastructure Levy (CIL), charged at the Higher Band for Borough CIL and Mayoral CIL as follows:

#### *Mayoral Community Infrastructure Levy (CIL)*

The estimated amount of Mayoral CIL for this development is **£15,396.24** in accordance with the Mayor's CIL 2 Charging Schedule (MCIL2) that took effect on 1<sup>st</sup> April 2019. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

#### *Richmond Community Infrastructure Levy (CIL)*

The estimated amount of Richmond CIL for this development is **£66,432.53**

<b>Community Infrastructure Levy (CIL) estimate</b>
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Mayoral CIL	<b>£15,396.24</b>
Borough CIL	<b>£66,432.53</b>

9.5 The total CIL Liability is therefore **£81,828.77**. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

### **Public Sector Equality Duty**

9.6 Public authorities, under the Equality Act 2010, have a public sector equality duty, whereby they must have due regard to, or consciously think about, when carrying out their functions the need to achieve the objectives set out under section 149 of the Equality Act 2010, namely:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

9.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

9.8 The Equality Duty does not:

- Impose a legal requirement to conduct an Equality Impact Assessment
- Require public bodies to take a disproportionate action on equality
- Require public bodies to treat everyone the same

9.9 The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 stipulate planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

9.10 As set out in Sections 8 of this report, the proposed scheme has been fully assessed against the development plan, including the Local Plan, London Plan, and National Planning Policy Framework. Such documents and policies contained therein have been subject to an Equality Impact Assessment process and found to meet the requirements of Section 149 of the Equality Act. Given the development is found to be in general compliance with the Development Plan as a whole, it is fair to conclude the development also meets the aspirations of the Equality Act.

## **10 PLANNING BALANCE AND CONCLUSION**

10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.3 it is considered that the 'ordinary' balance should be applied, this means clearly identifying that the proposal complies with the development plan and the weight given to the material planning considerations.

10.2 The principle of the garage demolition is considered acceptable given their existing structural state as well as their negative contribution to the Conservation Area. The applicant has effectively demonstrated that the parking spaces would not result in adverse impact upon local parking or traffic flows.

10.3 The proposal for residential development in this locality is considered acceptable, likewise the density of development which would contribute to the boroughs stock of family sized

accommodation. The scheme includes an affordable housing contribution of £59,001 which would be secured via s106 agreement prior to the granting of permission.

- 10.4 The scale, design and siting of the proposed dwelling is considered acceptable and the contemporary style is considered to be of appropriate design which would be an improvement over the existing situation at the site. Likewise, the alterations proposed to the existing stair core are considered to be beneficial to the host BTM and conservation area.
- 10.5 The development preserves the amenity enjoyed by the occupants of adjacent properties. The proposals will result in an increase in scale on the site, however is subservient to adjacent properties and respectful of the prevailing pattern of development. It is not considered to appear unreasonably overbearing to nearby habitable rooms. The scheme identifies that there will not be harm impacts in regards to sunlight/daylight or to privacy for neighboring properties.
- 10.6 The development would introduce a range of sustainability initiatives and landscaping, including green roofs and permeable paving on a site which currently consists of hard standing. On-site renewable energy generation technology is proposed in the form of ASHP. The on-site savings exceed policy requirements.
- 10.7 The submitted flood risk assessment indicates the site has low risk from flooding sources. The scheme includes a basement and as such a screening assessment and basement impact assessment has been prepared and submitted by suitably qualified engineers. The contents of such identify the site to be at risk of ground water flooding, however have identified various recommendations for mitigation.
- 10.8 The Boroughs Transport Officer has confirmed that the car-parking, cycle-parking, proposed servicing and access arrangements to serve the development are acceptable and in accordance with adopted planning policy and that the proposed development would not exacerbate local parking stress or lead to adverse highway conditions. A sufficient servicing area would remain for the adjacent commercial premises and replacement storage is also provided.
- 10.9 For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall.

**RECOMMENDATION 1: The application is therefore recommended for PERMISSION subject to conditions and the completion of section 106 agreement to secure the following Heads of Terms:**

<b>Heads of Terms</b>
Secure an Affordable Housing Contribution of £ 59,001
To preclude all occupants of the site from obtaining permit to park within a CPZ or within any council-managed car park in the Borough, apart from disabled motorists who hold a blue badge.
Monitoring fees
The Council's professional fees in securing the agreement.

**RECOMMENDATION 2: That the application be REFUSED in the event that an undertaking to secure the contributions listed in the Heads of Terms above has not been satisfactorily completed within 6 months of the date of this resolution or in such time as to be agreed with the LPA for the reason that the proposed development would not be accompanied by necessary benefits and mitigation measures.**



## 11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

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

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

### **DV48 Approved Plans**

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

104 rev P2, 112 rev P1, 113 rev P1, CM/22209/ELE, CM/22209/T received 08 September 2023;

517.0006-0001 P01, 517.0006-0002 P01; received 06 November 2023;

'Existing Garage Plan', 100 P5, 101 P5, 114 P2; received 28 November 2023;

102 P9, 103 P8, 111 P4; received 12 December 2023; and

107 P3; received 13 December 2023.

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

## PRE-COMMENCEMENT

### **DV49 Construction Method Statement**

No development shall take place, including any works of demolition, until a detailed Construction Management Plan (to include any demolition works) using the Council's proforma document ([https://www.richmond.gov.uk/media/22165/construction\\_management\\_plan\\_guidance\\_notes.pdf](https://www.richmond.gov.uk/media/22165/construction_management_plan_guidance_notes.pdf)) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be implemented other than in accordance with the approved plan.

The Statement shall detail :

1. Contact details, including a 24hr emergency contact (details of which shall be displayed on any hoarding / security fencing)
2. Programme length and phasing
3. The number, type and dimensions of vehicles required
4. Vehicle routing
5. Details of holding areas for construction traffic and communication strategy for their arrival
6. Methods of spoil removal and concrete supply
7. Details and location where plant and materials will be loaded and unloaded
8. Security hoarding and maintenance of such
9. Site setup drawings showing the position of vehicles, skips, concrete supply, etc. at a minimum scale of 1:200, showing the site in context of the surrounding highway and neighbouring properties
10. On classified roads generally, vehicles will be expected to enter and exit the site in forward gear. Swept Path Analysis drawings will be required to demonstrate this
11. Details of how the safety of highway users and vulnerable pedestrians will be managed
12. Details of how access to neighbouring properties will be maintained
13. Details of how any trees and street furniture (i.e. lighting columns, communications cabinets, bollards, etc.) are to be protected during the works
14. Details of any required footway and/or road closures, or highway licences
15. Any necessary parking suspension details
16. Details of any wheel-washing facilities, if required
17. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS 5228-1:2009+A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites; as well as for dust control: COSHH 2002 (as amended 2020), The London Plan 2021 Policy SI-1-D and HSE Construction Information Sheet CIS36
18. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS 5837:2012 'Trees in

relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area and in order to demonstrate the development would not have an unacceptable impact on the operation of the public highway and neighbours.

#### **NS01 Detailed Drainage Design**

Prior to commencement of groundworks (excluding site investigations and demolition), a final detailed drainage design including drawings, an updated SuDS proforma and supporting calculations aligned with the Flood Risk Assessment (dated August 2023) shall be submitted to and approved in writing by the Local Planning Authority. A detailed management plan confirming routine maintenance tasks for all drainage components shall also be submitted and approved in writing with the Local Planning Authority to demonstrate how the drainage system is to be maintained for the lifetime of the development. The approved details shall be implemented prior to the occupation of the development hereby approved.

REASON: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy SI 13, its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Richmond Council's Local Plan Policy LP21.

#### **NS02 Green roof/s**

Full details of all green roofs shall be submitted to and approved in writing by the local planning authority prior to superstructure works for the relevant building accommodating such, commencing on site. The scheme shall not be implemented other than in accordance with the approved details.

REASON: To enhance nature conservation interest.

### **PRIOR TO RELEVANT WORKS**

#### **NS03 Hard and Soft Landscaping**

Before constructing any new hard or soft landscape, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include: (A) Hard landscape details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc.); a program or timetable of the proposed works.

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

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

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

#### **NS04 Renewable energy details**

Notwithstanding the details shown on the approved drawings, further details of the air source heat pumps including enclosures to be installed in accordance with the approved Energy Statement shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The

details shall include the siting, design and technical specification. The development hereby approved shall not be occupied until the renewable energy measures have been implemented in accordance with the approved details.

REASON: In the interests of promoting sustainable forms of developments, to meet the terms of the application and to accord with the Council's carbon reduction targets.

#### **NS05 ASHP Acoustic Detail**

a) Before the ASHP to which the application refers 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 design requirements can be complied with.

b) The cumulative measured or calculated rating level of noise emitted from the plant to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system etc. operates. The measured or calculated noise levels shall be determined 1 metre from the facade of the nearest 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.

c) The plant shall be isolated so as to ensure that vibration amplitudes which causes re-radiated noise not to exceed the limits detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings "

d) The ASHP shall not be installed or operated other than in accordance with the approved details.

d) A commissioning acoustic test and report shall be undertaken within 2 weeks of mechanical services commissioning , in order to demonstrate that the approved noise design requirements have been achieved. The results of the test shall be submitted to and approved in writing by the LPA.

REASON: To safeguard the amenities of nearby neighbouring occupants.

#### **NS06 Materials**

The external surfaces of the buildings hereby approved (including fenestration) shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

### **PRE-OCCUPATION CONDITIONS**

#### **NS07 Sustainable Drainage Evidence**

No building hereby permitted shall be occupied until evidence (photographs and installation contracts) have been submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

REASON: To comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework (Paragraph 103), the London Plan (Policies SI 12 and SI 13) along with associated guidance to these policies and Richmond Council's Local Plan Policy LP21.

#### **NS08 Boundary Treatment**

None of the buildings hereby approved shall be occupied until the boundary treatments shown on drawing 22.3349.102 rev P2 have been implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the ecology of the site, amenities of the adjoining occupiers and the area generally

#### **PK06 Cycle Parking**

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

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

**NS08 Refuse Storage Residential**

A. The residential development hereby approved shall not be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

**NS09 Car Parking**

The car parking layout as shown on drawing no. 102 P9 shall be implemented in full prior to first occupation of the development hereby approved. The proposed parking spaces shall not be used for any purpose other than for the parking of private motor vehicles used by resident users or visitors to the development. At least one parking space shall include provision for active charging facilities. At least passive infrastructure for electric or other ultra-low emission vehicles shall be provided for the other parking space.

REASON: To ensure the development does not have an adverse impact on local traffic and parking conditions, and to accord with the London Plan.

**ONGOING CONDITIONS**

**NS10 Energy Reduction**

The dwelling(s) hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2021) in accordance with the Energy and Sustainability Statement received on 08 September 2023.

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

**NS11 Fire Safety**

The development must be carried out in accordance with the provisions of the Fire Statement received 08 September 2023 unless otherwise approved in writing by the Local Planning Authority.

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

**DV51B Water Consumption**

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

REASON: In the interests of water efficiency in accordance with Policy LP22 of the Local Plan (2018) and SI5 of the London Plan (2021).

**GD02A Restriction-Alterations/extn**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

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

**DV52A Building Regulation M4(2)**

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

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

**NS12 Window obscure glazed-No operable~~**

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

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

**GD01A          Restriction on use of roof**

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

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

**NS13          Basement Construction**

The basement hereby approved shall not be constructed other than in accordance with recommendations made throughout the Basement Impact Assessment Ref 20904/BSA Rev1.1 (dated July 2023) unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy S113, its associated Sustainable Design and Construction SPG, and Richmond Council's Local Plan Policy LP11 and LP21; to safeguard structural stability; and to reduce risk of life to future occupants.

**NS14          NRMM**

During onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

REASON: To protect the amenity of future occupants and/or neighbours

**NS15          Contaminated Land**

If during the implementation the development hereby approved any contamination is encountered, all works shall cease until an appropriate methodology including mitigation shall been submitted to and agreed in writing by the Local Planning Authority. Thereafter mitigation works shall be carried out in accordance with the approved details and the development shall not be occupied until a verification report, produced on completion of the remediation, has been submitted to and approved in writing by the local planning authority.

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

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

**IL25          NPPF APPROVAL**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon

Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

{b o} Providing a formal pre-application service

{b o} Providing written policies and guidance, all of which is available to view on the Council's website

{b o} Where appropriate, negotiating amendments to secure a positive decision

{b o} Determining applications in a timely manner.

In this instance:

{b o} The application was recommended for approval and referred to the first available Planning Committee, where the agents / applicants had an opportunity to present the case.

## **COMH06 Composite Informative**

{b Reason for granting:}

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

{b Principal Policies:}

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

London Plan Policies: SD6, SD7, SD8, GG2, D4, D5, D6, D12, HC1, SI 2, SI 3, SI 4, SI12, SI13, T1, T3, T4, T5, T6

Local Plan Policies: LP1, LP3, LP4, LP8, LP10, LP17, LP21, LP20, LP22, LP24, LP34, LP35, LP36, LP39, LP44, LP45

Supplementary Planning Guidance: Design Quality; Development Control for Noise Generating and Noise Sensitive Development; Transport; Refuse and Recycling Storage Requirements; Sustainable Construction Checklist;

{b Building Regulations:}

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control 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).

{b Damage to the public highway:}

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

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

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

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.

**{\b 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 5228:2009 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Commercial Environmental Health Team, 2nd Floor Civic Centre, 44 York Street, Twickenham TW1 3AB.

**IM13 Street numbering**

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

**IL24 CIL liable**

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

**IL06 Section 106 agreement**

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

**NS01 Considerate Constructors**

The London Borough of Richmond encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment and encourages sites to operate in accordance with the Considerate Constructors Scheme <https://www.ccscheme.org.uk/> or similar.