



**PLANNING REPORT**

Printed for officer by  
Kreena Patel on 25 July 2024

**Application reference: 21/1537/NMA**  
SOUTH RICHMOND WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 21.06.2024                | 21.06.2024      | 19.07.2024         | 19.07.2024  |

**Site:**

Kings House School, 68 Kings Road, Richmond, TW10 6ES

**Proposal:**

Non material amendment to planning approval 21/1537/FUL to amend the wording of condition DV49 (Construction Management Statement). Proposed wording as follows:

'Prior to the commencement of each development phase(s), no development shall take place including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority for that phase(s). The approved plan shall be adhered to throughout the relevant construction phase(s). The Statement shall provide for....'

**APPLICANT NAME**

Mr John Loveland  
68 Kings House School Kings Road  
Richmond  
Richmond Upon Thames  
TW10 6ES

**AGENT NAME**

Alexandra Martin  
250 Waterloo Road  
London  
SE1 8RD

**DC Site Notice:** printed on and posted on and due to expire on

**Neighbours:**

- 1 York Road, Richmond, TW10 6DR -
- 39 Kings Road, Richmond, TW10 6EX -
- 16 Princes Road, Richmond, TW10 6DH -
- 21A Kings Road, Richmond, TW10 6NN -
- 36 Albert Road, Richmond, TW10 6DP -
- 24 Princes Road, Richmond, TW10 6DH -
- 35A Kings Road, Richmond, TW10 6EX -
- 37 Audley Road, Richmond, TW10 6EY -
- 33 Audley Road, Richmond, TW10 6EY -
- 95 Albert Road, Richmond, TW10 6DJ -
- ,,, TW10 6ES -
- 80 Kings Road, Richmond, TW10 6EE -
- 41 Audley Road, Richmond, TW10 6 EY -
- 48 Albert Road, Richmond, TW10 6DP -
- 97 Albert Road, Richmond, TW10 6DJ -
- 29 Kings Road, Richmond, TW10 6EX -
- 44 Albert Road, Richmond, TW10 6DP -
- 35 Kings Road, Richmond, TW10 6EX -
- 11 Denbigh Gardens, Richmond, TW10 6EN -
- 31 Princes Road, The Alberts, Richmond Surrey, TW10 6DQ -
- 49 Kings Road, Richmond, TW10 6EG -
- 11 Princes Road, Richmond, TW10 6DQ -
- Stanley House, 47 Kings Road, Richmond, TW10 6EG -
- The Cottage, Kings Road rear of 47, Richmond, TW10 6EG -
- 35 Audley Road, Richmond, TW10 6EY -

25 25 PRINCES ROAD,RICHMOND,TW10 6DQ -  
BRANDON HOUSE,KING STREET,KNUTSFORD,WA16 6DX -  
7 York Road,Richmond,TW10 6DR -  
83 Princes Road,Richmond,TW10 6DQ -  
4 Albany Terrace,Albany Passage,Richmond,TW10 6DN -  
53 Kings Road,Richmond,TW10 6EG -  
53 Worpel Way,Richmond,TW10 6DG -  
12 Princes Road,Richmond,TW10 6DH -  
39 Princes Road,Richmond,TW10 6DQ -  
41 Princes Road,Richmond,TW10 6DQ -  
10 Denbigh Gardens,Richmond,TW10 6EN -  
8 Denbigh Gardens,Richmond,TW10 6EN -  
46 Kings Road,Richmond,TW10 6NW -

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | <b>21/1537/NMA</b>   |
| <b>Address</b>            | <b>Kings House School 68 Kings Road Richmond TW10 6ES</b>  |
| <b>Proposal</b>           | <b>Non material amendment to planning approval 21/1537/FUL to amend the wording of condition DV49 (Construction Management Statement). Proposed wording as follows: 'Prior to the commencement of each development phase(s), no development shall take place including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority for that phase(s). The approved plan shall be adhered to throughout the relevant construction phase(s). The Statement shall provide for....'</b> |
| <b>Contact Officer</b>    | <b>Kreena Patel.</b>   |

## 1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

This application relates to the senior department of Kings House School, situated at the eastern side of Kings Road which otherwise consists of substantial Victorian and Edwardian detached and semi-detached houses.

The junior department is situated in a separate building further north along Kings Road. Number 68 is the original school building, while number 66 is a converted Victorian house.

The site is within the St. Matthias conservation area and the frontage buildings are designated Buildings of Townscape Merit (BTM).

The site at present has significant additions and extensions to the east side of the school, which is to the rear of the two BTMs. To the rear of 68 is a complex of extensions comprising of two storey theatre and classrooms.

To the rear of number 66 are single storey extensions housing classrooms and a garden, located between the school and the residential properties to the south. North of the boundary are blocks of flats, known as Charmouth Court. The surrounds are primarily residential in feel, with substantial detached buildings of Kings Road to the immediate south, and detached rows of houses at Denbigh Gardens to the east of the site. There are TPO trees on site.

## 2. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Planning application 21/1537/FUL for “Demolition of a number of existing school buildings; erection of a new two and three story teaching block to include teaching classrooms, music and drama spaces; link between the new teaching block and the existing sports hall which will be extended; internal refurbishment works to existing main school buildings including enlarging the dining hall and library; installation of a sprinkler tank and pump room; reconfigured outdoor playspace; and associated landscape works” was granted on 10.06.2022 subject to conditions and a legal agreement.

Application ref: 21/1537/DD02 for: “Details pursuant to condition DV49 - Construction Method Statement, of planning permission 21/1537/FUL.” was refused on 03/06/2024 for the following reason:

*The submitted construction method statement does not sufficiently demonstrate the scheme would preserve the free flow of traffic in the locality and would adequately safeguard the amenity of the area contrary to the aims and objectives of, in particular, policy LP 45 of the adopted Local Plan (2018).*

## 3. REPRESENTATIONS

This is an application for a non-material amendment, which is a request to the Council to confirm that the proposed amendment to the approved scheme (Planning Permission 21/1537/FUL) would not

amount to a material change. In assessing this application, there is no statutory requirement to undertake a public consultation. However, there have been a number of representations submitted for the current application. These representations largely raise concerns regarding the CMS submitted, and in particular the environmental impacts of the construction of the development, including suitable mitigation. In addition, the following concerns are raised:

- The amendment does not provide residents with certainty regarding the construction
- There is no end date for the construction works, and no start to finish timescales
- Phasing schedule must be secured within the condition if the application were approved.

Officers note there is no requirement for a contractor, or developer to adhere to timescales for construction other than that which seeks commencement within 3 years of the date of the initial approval (Condition AT01). Indeed, a developer would be within their rights to commence works and continue the construction period for an indefinite length of time. This is outside of the scope of planning control.

#### **4. AMENDMENTS**

No amendments have been made during the course of the application.

#### **5. EXPLANATION OF RECOMMENDATION**

S96A of the Town and Country Planning Act 1990 states:

*[F196A Power to make non-material changes to planning permission [F2 or permission in principle]*

*(1) A local planning authority F3... may make a change to any planning permission [F4, or any permission in principle (granted following an application to the authority),] relating to land in their area if they are satisfied that the change is not material.*

*(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission [F5 or permission in principle] as originally granted.*

*(3) The power conferred by subsection (1) includes power [F6 to make a change to a planning permission] —*

- (a) to impose new conditions;*
- (b) to remove or alter existing conditions.*

S96A was introduced by the Parliament to allow for a degree of flexibility to be introduced into the planning system. Whilst there is no statutory guidance as to what constitutes a non-material amendment, materiality is a matter of judgement, and that materiality is to be judged by reference to the overall context including the nature and scale of the permission being altered. Judgement on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original permission however the cumulative effects of any previous amendments would also need to be assessed.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
- Would the interests of any third party or body who participated in or where informed of the original

decision be disadvantaged in any way?

- Would the amendments be contrary to any planning policy of the Council?

If none of these tests are positive then it is considered that the change could be dealt with as a non-material amendment.

The original condition is worded as follows:

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

It is proposed to amend this to:

*“**Prior to the commencement of each development phase(s)**, no development shall take place including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority **for that phase(s)**. The approved plan shall be adhered to throughout the **relevant construction phase(s)**. The Statement shall provide for....”*

With agreement from the applicants, the following modification has been suggested by officers to reference the phasing plan:

***Prior to the commencement of each development phase(s) referenced within the table on page 2 of the cover letter dated 21/06/2024 and received at the LPA on 21/06/2024**, no development shall take place including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority **for that phase(s)**. The approved plan shall be adhered to throughout the **relevant construction phase(s)**. The statement shall provide for:*

The amendments propose to introduce a phasing element to the construction management condition. This would have the effect of securing either a separate CMS either for each phase, or one for a number of separate phases. The application site is a school, and it is understood there are limited time periods during school break in which to undertake works.

No amendments to any other conditions are proposed, and as such the design and scale of the scheme would remain as approved. This minor change to the condition is not significant, and there is no change to the form, scale, massing or siting of the development, which would not alter in any way to impact local residents. The phased approach to construction could well have occurred without an amendment to the condition, however it is understood the applicants are in a position to provide greater detail on the construction management for the first phase only at present.

The proposed changes would not materially alter the requirements to submit a construction management plan prior to the commencement of works to which that CMS is relevant for, nor would it dilute the wording or alter the level of detail required for construction.

The initial application was determined against the current development plan. The amendments would result in a scheme which would continue to comply with adopted policies, and indeed would also comply with emerging plan policies.

## Conclusion

For the reasons provided above, the amendment is considered acceptable and the proposed changes to the approved scheme, which should be read in conjunction with the original permission is considered to be non-material and a new planning application would therefore not be required.

**Recommendation:** It is recommended that this application is **GRANTED**.

**Approve non-material amendment**

**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  
in Uniform) (\*If yes, complete Development Condition Monitoring

This application has representations online  YES NO

Case Officer (Initials): ...KNP..... Dated: ...25/07/2024.....

**I agree the recommendation:**

This application has been subject to representations that are contrary to the officer recommendation. 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: .....26.07.2024.....