

PD15280/SS/TJ

Planning Service
London Borough of Richmond upon Thames
Civic Centre
44 York Street
Twickenham
TW1 3BZ

31 July 2024

Dear Sir or Madam,

TOWN AND COUNTRY PLANING ACT 1990
SECTION 73 APPLICATION TO PLANNING PERMISSION REF: 19/2822/FUL
FORMER HAMPTON POLICE STATION, 68 STATION ROAD, HAMPTON, TW12 2AX
PLANNING STATEMENT

On behalf of our client, Hampton Care Home Limited (“the Applicant”), we submit this application (“the Application”) under Section 73 of the Town and Country Planning Act 1990 (as amended) (“the Act”), to vary the planning permission (Ref.19/2822/FUL) (“the Extant Permission”) granted on 12 May 2023 by the London Borough of Richmond Upon Thames (“the Council”). The Extant Permission relates to the site known as the Former Hampton Police Station, 68 Station Road, Hampton, TW12 2AX (“the Site”).

The Application seeks planning permission for the following development:

“Variation of conditions 2 (approved drawings/documents), 19 (Green Roof and Solar Panels), 39 (Wildflower Green Roof), 40 (obscure glazing), 41 (balcony screen), of planning permission 19/2822/FUL dated 12 May 2023 for “Retention and refurbishment of the former police station building with part demolition of rear wings and ancillary buildings, and the construction of a three storey side and rear extension and basement to form a registered care home comprising 22 care suites and 66 care bed units, with shared facilities, car and cycle parking, landscaping and ancillary works (as amended by LPA Ref. 24/1512/NMA)”.

BACKGROUND TO APPLICATION

The Extant Permission was granted on 12 May 2023 under LPA Ref. 19/2822/FUL for:

“Retention and refurbishment of the former police station building with part demolition of rear wings and ancillary buildings, and the construction of a three storey side and rear extension and basement to form a registered care home comprising 22 care suites and 66 care bed units, with shared facilities, car and cycle parking, landscaping and ancillary works”.

In the light of changes to the Applicant's business model in which it no longer delivers and operates extra care assisted living accommodation and as a result of challenging economic conditions throughout the period, the Extant Permission is no longer deliverable. As such, the Applicant entered into pre-application advice discussions with the Council to discuss an amended scheme that is deliverable in the current market.

To facilitate this, a Non-Material Amendment (NMA) application was submitted on 10 June 2024 to amend the description of development to remove the reference to the quantum of care suites and care bed units, as stated in the Extant Permission. The proposed amended description of development was:

"Retention and refurbishment of the former police station building with part demolition of rear wings and ancillary buildings, and the construction of a three storey side and rear extension and basement to form a registered care home comprising care suites and care bed units, with shared facilities, car and cycle parking, landscaping and ancillary works".

Furthermore, a new planning condition was proposed as follows:

"The development hereby approved shall contains 22 care suites and 66 care bed units, unless otherwise agreed in writing by the Local Planning Authority".

The NMA application was subsequently approved under LPA Ref. 24/1512/NMA on 20 June 2024. Whilst the proposed condition was not imposed, the approved drawings show a development layout which contains 22 care suites and 66 bed care units.

The reason for the NMA application was to remove reference to the quantum of development in the description of development to allow for the permission to be capable of being amended via a Section 73 application. This follows a judgment handed down by the Court of Appeal (Lewison, David Richards & Arnold LJJ) in *Finney v Welsh Ministers* [2019] EWCA Civ 1868 that confirmed Section 73 of the Act may not be used to obtain a varied planning permission when the change would require a variation to the terms of the 'operative' part of that permission.

With the operative part of the permission no longer specifically stated in the description of development, this now allows for the Extant Permission to be capable of being amended by Section 73.

Pre-application Advice

A pre-application meeting took place between the Applicant and the Council on 20 June 2024 to discuss the proposed amendments to the Extant Permission, required for the development proposals to be viable. This included the following changes:

- An increase to the number of care beds from 66 to 75 and decrease the number of care suites from 22 to 8 – a reduction in population of the development from 93 people to 91 people;
- All care beds to now be registered by Care Quality Commission ('CQC');
- Reduction in basement floorspace and removal of basement from below the existing former police station;

- Amendments to the existing former police station building;
- Infill extensions to ground floor and reconfiguration of internal layouts to accommodate inclusion of second stair core required for Building Regulation and fire safety purposes;
- Façade amendments;
- Energy strategy enhancements including the replacement of gas boilers with air source heat pumps;
- Minor reduction in car parking spaces to accommodate electricity substation in accordance with energy strategy enhancements as well to accommodate infill extensions;
- Provision of a garden room on the second floor terrace; and
- Removal of obscure glazing from care bedrooms facing on to Queen’s Bench Cottages.

During this discussion, it was agreed that a Section 73 application was the appropriate planning route to secure the amendments on the basis that they would not represent a fundamental alteration to the Extant Permission.

SITE AND SURROUNDING CONTEXT

The Site comprises 0.7 ha and is located on the north side of Station Road in Hampton within the London Borough of Richmond Upon Thames. It comprises the former Hampton Police Station building that was constructed in 1905, and a number of ancillary buildings and garages to the rear. The former Police Station is a locally listed building (a Building of Townscape Merit) and is located within the Hampton Village Conservation Area.

To the north of the Site, there is a large public open park, to the west, there are a number of residential and commercial units of 2-3 storeys in height, and to the east there are a number of single-storey residential cottages (Queen’s Bench Cottages), which are also locally listed. To the east are Grade II listed residential properties at 54-46 Station Road, 3-storeys in height. The area immediately to the west of the site comprises mixed use development, with small retail units on the ground floor, and residential uses on the upper floors.

The Site is located within the Hampton Village centre. Access to the Site is via the northern side of Station Road, which provides amenities including a number of local shops and bus stops. The Site has a Public Transport Accessibility Level (PTAL) of 2, on a scale where 0 is the least accessible and 6b is the most accessible, however, in addition to its location in the Hampton Village centre, which is served by buses, Hampton railway station is only approximately 500m to the west, further alongside Station Road. As such, despite the low PTAL, the Site has multiple public transport options.

The Site is situated within Flood Zone 1 (low probability of flooding).

PLANNING HISTORY

The relevant planning history for the Site is set out in the table below starting with the most recent applications:

LPA Ref.	Proposal	Decision	Date
24/1512/NMA	“Retention and refurbishment of the former	Approved	20 June 2024

	<p>police station building with part demolition of rear wings and ancillary buildings, and the construction of a three storey side and rear extension and basement to form a registered care home comprising care suites and care bed units, with shared facilities, car and cycle parking, landscaping and ancillary works.</p>		
19/2822/FUL	<p>Retention and refurbishment of the former police station building with part demolition of rear wings and ancillary buildings, and the construction of a three storey side and rear extension and basement to form a registered care home comprising 22 care suites and 66 care bed units, with shared facilities, car and cycle parking, landscaping and ancillary works.</p>	Approved	12 September 2023
16/0606/NMA	<p>Retention of former police station building with partial demolition of the rear wings of the police station and demolition of the rear garages and the construction of 28 residential units (4 x 1 bedroom, 12 x 2 bedroom, 10 x 3-bedroom and 2 x 4 bedroom) and associated</p>	Approved	28 August 2019

	access, servicing, cycle parking and landscaping (The proposal has been amended to include setting back the top floor away from the eastern boundary of the site; roof design on Plots 24 to 28 amended; and amendments to unit mix). [Non-Material Amendment application to planning permission 16/0606/FUL to make amendments to condition DV42].		
16/0606/FUL	Retention of former police station building with partial demolition of the rear wings of the police station and demolition of the rear garages and the construction of 28 residential units (4 x 1 bed, 7 x 2 bed, 10 x 3 bed and 7 x 4 bed) and associated access, servicing, cycle parking and landscaping.	Approved	5 th September 2017

PROPOSED DEVELOPMENT

As illustrated in the Design and Access Statement, prepared by Careless + Adams Architects, the development proposes the following amendments to the scheme:

- An increase the number of care beds from 66 to 75 and decrease the number of care suites from 22 to 8 – a reduction in population of the development from 93 people to 91 people;
- All care beds to now be registered by Care Quality Commission ('CQC');
- Reduction in basement floorspace and removal of basement from below the existing former police station;
- Amendments to the existing former police station building;
- Infill extensions to ground floor and reconfiguration of internal layouts to accommodate inclusion of second stair core required for Building Regulation and fire safety purposes;

- Façade amendments;
- Energy strategy enhancements including the replacement of gas boilers with air source heat pumps;
- Minor reduction in car parking spaces to accommodate electricity substation in accordance with energy strategy enhancements as well to accommodate infill extensions;
- Provision of a garden room on the second floor terrace; and
- Removal of obscure glazing from care bedrooms facing on to Queen's Bench Cottages.

As aforementioned, the changes to the Extant Permission are required to suit the current operational needs of the Applicant as well as improve the viability of the development. However, in doing so, the development delivers tangible environmental improvement through the significant reduction in basement, the conversion from gas boiler heating system to air source heat pumps, and a minor reduction in car parking spaces required to serve the development.

From a design perspective, the proposed development will continue to preserve the significance of the former police station as a Building of Townscape Merit including its setting as well as preserve the character and appearance of the Hampton Conservation Area and the setting of nearby listed buildings.

Furthermore, the development will continue to provide a high standard of living and accommodation for residents with increasingly complex conditions in the community.

PLANNING POLICY CONTEXT

Statutory Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise. In this context, the statutory development plan for the Council comprises the following:

- London Borough of Richmond Upon Thames Local Plan (2018);
- Local Policies Map (2018);
- London Plan (2021); and
- West London Waste Plan (2015).

According to the Local Policies Map, the Site is subject to the following planning policy designations:

- Archaeological Priority Zones;
- Hampton Traffic Unit;
- Take Away Management Area;
- Hampton Village Conservation Areas;
- Hampton Village Character Area;
- Building of Townscape Merit; and
- Article 4 Direction (Basements).

Material Considerations

National Planning Policy Framework

The 2023 National Planning Policy Framework (“the NPPF”) sets out the Government’s approach to planning matters and is a material consideration in the determination of planning applications.

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through decision-taking (Paragraph 11). This paragraph goes on to state 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 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”.*

National Planning Practice Guidance

Alongside the NPPF, the Government has published Planning Practice Guidance (“PPG”) documents which is also a material consideration during the determining of planning applications.

Supplementary Planning Guidance

The Council have a number of adopted supplementary planning documents that are also material considerations in respect of the Application including:

- Design Quality (2021);
- Air Quality (2020);
- Planning Obligations (2020);
- Transport (2020);
- Hampton Village Plan (2017);
- Buildings of Townscape Merit (2015);
- Sustainable Construction Checklist (2016);
- Conservation Areas (2002);

Emerging Local Plan

Consultation on the Draft Local Plan commenced in March to April 2020. Regulation 18 Consultation took place between December 2021 – January 2022. Following this, Regulation 19 Consultation occurred between June – July 2023. The Local Plan was submitted for examination in January 2024. The Local Plan is currently undergoing examination by the Secretary of State, following which modifications to the Local Plan will be proposed through the examination report to find the plan 'sound'. Adoption of the Local Plan is forecasted for Winter 2024 / 2025.

PLANNING ASSESSMENT

Principle of Residential Care Development

The principle of residential care development is already established under the Extant Permission. As set out in the London Plan (2021), self-contained Class C2 accommodation and non-self-contained Class C2 accommodation contribute towards housing supply equally on the same basis. As such, the amendments to the mix of the accommodation do not reduce the supply of housing in the Borough.

Based on the unit mix of the Extant Permission (66 care beds and 22 care suites split between 17 one bedroom and 5 two bedroom), the potential population of the development would be 93 people. The 8 care suites under the proposed amendments would all be two-bedroom dwellings meaning that the potential population for the amended scheme would be 91 people (75+16). We therefore consider that the changes will not lead to greater operational demands on the development nor greater demands on local infrastructure.

Overall, we consider the principle of residential development wholly acceptable and continues to comply with Policies Policy LP 34 'New Housing', Policy LP 35 'Housing Mix and Standards', and Policy LP 37 'Housing Needs of Different Groups' of the adopted Local Plan (2018), Policy 10 'New Housing', Policy 12 'Housing Needs of Different Groups', Policy 13 'Housing Mix and Standards' and Policy 14 'Loss of Housing' of the Draft Emerging Local Plan (2023). We note that all care beds would also now be registered by the Care Quality Commission ('CQC').

Affordable Housing

Policy LP 36 'Affordable Housing' of the adopted Local Plan (2018) requires a 50% affordable housing requirement across all sites. The Policy notes that the Council will have regard to economic viability, individual site costs, the availability of public subsidy and the overall mix of uses and other planning benefits. Part D states that where a reduction to an affordable housing contribution is sought from the requirements in A and B on economic viability grounds, developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing. This position is echoed by Policy 11 'Affordable Housing' of the Draft Emerging Local Plan (2023). Part A states that all new housing developments in the borough should provide at least 50 per cent of the total number of habitable rooms as affordable housing on site. Part B notes that the financial contribution towards affordable housing will be expected on all housing sites.

The Viability Report accompanying this application prepared by Meedhurst demonstrates a deficit, however, the Applicant remains committed to providing a payment of £175,185 as previously agreed under the extant permission. It should be noted that this amount is the maximum viable amount.

Design and Conservation

Design Principles

High quality design is encouraged at all policy levels. The NPPF (2023) notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF (2023) outlines the requirement for good design and sets out, at Paragraph 135, that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy D4 'Delivering good design' of the London Plan (2021) highlights the importance of maintaining design quality. Policy LP1 'Local Character and Design Quality' of the adopted Local Plan (2018) states "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". This is echoed by Policy 28 'Local Character and Design Quality' and Policy 44 'Design Processes' of the Draft Emerging Local Plan (2023).

As set out in the Design and Access Statement, prepared by Carles + Adams, the development proposes the following design changes:

- Single storey ground floor extension;
- Double storey infill extension;
- Addition of protruding bays to two bedrooms in the north-south run, and two bedrooms in the east-west run to be pushed forward, to enhance external elevations,
- Addition of full height windows on the first floor within the internal courtyard;
- Creation of an additional external staircase to provide a secondary escape route from the first floor terrace;
- Creation of an additional terrace off the private dining room;
- Removal of Juliet balconies to ensure residents' safety;
- Façade amendments; and
- Installation of roof plant.

The proposed amendments to the scheme (LPA Ref. Ref.19/2822/FUL) have been purposefully designed to provide a high-quality Care Home and enhance residents' wellbeing. As set out in the Design and Access Statement, the proposed single-storey building infill will greatly improve the internal layout of the front-facing portion of the building and strengthen the active frontage. The ground floor extension will create a larger welcoming/ lounging area, to work as a central hub and a meeting space for the residents and visitors. The creation of additional terrace space will again greatly improve the layout of the proposal, improving functionality of the scheme as well as enhancing residents' wellbeing.

The creation of full height windows will enhance residents' wellbeing and proposed protruding bay windows will indeed enhance the external elevations along with the rear façade amendments which will improve the visual aesthetic of the scheme accordance with design principles set out in adopted and emerging planning policies. Lastly, the proposed roof plant (which is a result of the improved ESG strategy) will be facilitated by the seamless removal and replacement of the roof which has been carefully considered in the context of the locally listed building. Notably, the form and character of these roofs would not change from the consented scheme. Any impact would therefore be temporary, only occurring during the construction phase, and there would be no harm to heritage asset's appearance from these changes once the scheme is complete.

Overall, the proposed development responds appropriately, in terms of design and materiality, to the surrounding townscape context and will sit comfortably in its environs, and respond positively to the surrounding Hampton Conservation Area, thus complying with Local and National planning policy set out above.

Heritage Considerations

Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") states that when determining applications, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 200 of the NPPF (2023) states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"

Policy HC1 'Heritage conservation and growth' of the London Plan (2021) states that:

"Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process".

Policy LP 4 'Non-Designated Heritage Assets' of the adopted Local Plan (2018) states that "The Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit, memorials, particularly war memorials, and other local historic features". This position is echoed by Policy 30 '4 'Non-Designated Heritage Assets' of the Draft Emerging Local Plan (2023).

As set out in the Heritage Statement Addendum prepared by the Built Heritage Consultancy, the proposed amendments to the less significant rear parts of the Hampton Police Station Building of Townscape Merit would have some effect on its

overall significance. The reduction in size of the recessed portion of the rear façade and the loss of small areas of fabric would cause some harm, but this would be more than outweighed by the benefits of the improved elevational design and the omission of the previously consented rear basement. Other amendments would have a neutral heritage impact. At the same time, the amended scheme would also deliver non-heritage public benefits which would weigh in its favour. With regard to statutory controls, national planning policy and the London Borough of Richmond-upon-Thames's local policies, the proposed amendments would form a slight improvement on the previously consented scheme. Overall, we consider the proposed amendments to the scheme are acceptable in heritage terms.

Proposed Reduction of Basement Floorspace

The London Plan (2021) Policy D10 'Basements' states "Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally."

Policy LP 10 'Local Environmental Impacts, Pollution and Land Contamination' of the adopted Local Plan (2018) recognises the importance of managing and limiting environmental disturbances during construction and demolition as well as during excavations and construction of basements and subterranean developments.

Policy LP11 'Subterranean developments and basements' of the adopted Local Plan (2018) states that proposals for subterranean and basement developments will be required to "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". This is echoed in Policy 54 'Basements and subterranean developments' of the Draft Emerging Local Plan (2021).

The Extant Permission included a large basement, some of which sat underneath the rear of the existing former police station building. The basement under the existing former police station building has now been omitted so that the non-designated heritage asset's rear ground floor will visibly stand on the ground itself, rather than above a modern flat roof and basement façade. The Structural Addendum prepared by Scott White Hookins submitted alongside this application confirms there are no adverse impacts of this.

The supporting Heritage Statement Addendum prepared by the Built Heritage Consultancy concludes that the omission of the basement is a benefit to the scheme from a heritage perspective compared to the Extant Permission. Specifically, the brick rear elevation of the asset will have a direct placement on the ground rather than the less traditional arrangement that was consented. Importantly, the proposed omission of the basement beneath the rear wing was welcomed by Council officers through pre-application advice.

In addition to the heritage benefits associated with the omission of the basement underneath the existing former police station building, reducing the basement size by 750m² and lifting the external amenity space to ground level will significantly reduce the quantum of construction vehicle movements, by approx. 550 fewer vehicle movements, that would be required to build the basement. This in turn will reduce the construction programme of the development and use less embodied carbon. The simplified design also significantly reduces disruption to the properties to the west of the Site.

Overall, we consider the proposed reduction in basement floorspace will have considerable heritage and sustainability benefits and thus accords with the principles of the London Plan (2021), as well as adopted and emerging planning policies as set out above.

Energy and Sustainability

The London Plan (2021) sets out net zero carbon targets and highlights the importance of minimising greenhouse gas emissions.

Policy LP20 'Climate Change Adaption' of the adopted Local Plan (2018) states the Council will promote and encourage development to be fully resilient to the future impacts of climate change. New development, in their layout, design, construction, materials, landscaping and operation, should minimise the effects of overheating as well as minimise energy consumption in accordance with the cooling hierarchy set out in the Local Plan.

Part A of Policy 5 'Energy Infrastructure' of the Draft Emerging Local Plan (2023) highlights the importance of maximising opportunities for on-site electricity and heat production and reducing carbon emissions. Policy 6 'Sustainable Construction Standards' of the Draft Emerging Local Plan (2023) states that "Developments will be required to achieve the highest standards of sustainable design and construction".

As stated in the accompanying Energy Strategy Addendum prepared by Harniss Consulting Ltd, the development proposes the following which provides a route to compliance with Approved Document Part L2:2021 of the Building Regulations:

- Enhanced building fabric performance has been targeted through improved thermal performance and reduced air permeability;
- Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems throughout;
- Energy efficient controls for HVAC and lighting to minimise building in-use energy;
- Compliance with low zero carbon;
- Inclusion of Air Source Heat Pumps in addition to photovoltaic array

In-line the GLA London Plan (2021) the development now successfully demonstrates compliance with Building Regulations 2021 and surpassing this threshold by 35% (15% improvement from energy efficient measures) and needs to offset the residual carbon associated with the scheme through further on-site savings and/or offset payments. In-line with the GLA guidance this is based upon the 25.6tCO₂e/yr for 30 years at £95/tCO₂, therefore the cash in lieu contribution will be £73,090.

As stated in the Design and Access Statement prepared by Carless + Adams, the proposed change to ASHPs removes sources of NO_x emissions via products of combustion and contributes positively to the local air quality, having removed any requirements for boilers and CHP. The ASHPs shall be sensitively positioned on the roof as indicated on the plans with a louvred acoustic enclosure surrounding and concealing the heat pumps to ensure no impact visually and acoustically.

To accommodate the energy enhancements, there is a requirement to install an electricity substation. As illustrated in the Design and Access Statement prepared by Carless + Adams, the proposed substation location has been considered carefully to ensure it is accessible for the energy provider whilst not being obtrusive in the street-scene. In this regard, views of the substation from Station Road will be mitigated by tree planting along the Site's boundary and around the substation. Scaled drawings of the substation are submitted with this Application.

Overall, for the reasons set out above, the development proposal meets the relevant criteria set out in the London Plan (2021), and adopted and emerging planning policies as set out above.

Transport

Policy T5 and T6 of the London Plan (2021) set out the parking principles. Car and cycle parking guidance is set out in Policy LP 44 'Sustainable Travel Choices' and Policy LP 45 'Parking Standards and Servicing' of the adopted Local Plan (2018). These standards are echoed in Policy 47 'Sustainable Travel Choices' and Policy 48 'Vehicular Parking Standards, Cycle Parking, Servicing and Construction Logistics Management' of the Draft Emerging Local Plan (2023).

The Extant Permission permitted 24 spaces. The development proposes the loss of 3 no. car parking spaces resulting in a total of 21 spaces inclusive of one designated Blue Badge parking bay, one enlarged parking bay, and a minibus bay. In addition, 22 cycle storage spaces comprising of 16 long-stay spaces and six short-stay spaces will be provided within the site.

The Transport Statement Addendum prepared by Paul Mew Associates confirms that despite this reduction in car parking quantum, the ratio of car parking spaces to units remains acceptable in highway policy terms. Indeed, having reviewed the TRICS database of other care homes in the England which includes schemes in other London boroughs including Barnet, Islington and Kingston, the average ratio of car parking is 0.24 space per unit. To further to support the case, an analysis of existing care homes located elsewhere in the borough of Richmond Upon Thames was undertaken and which concluded parking ratios of between 0.17 spaces per unit and 0.33 spaces per unit. The average across these three schemes in the borough is 0.22 spaces per unit. Therefore, the provision of 21 parking spaces for the proposed scheme, at a ratio of 0.25 spaces per unit, is more than the average of the three existing care homes in the borough.

Furthermore, it should be noted that the key highways related elements with regards to the proposed development, principally the site access and servicing arrangements, are identical to the care home scheme recently granted planning permission under reference 19/2822/FUL. Similarly, the current scheme is smaller in scale and operations to the scheme recently granted planning permission and therefore the trip generation and development impact is expected to remain acceptable to the planning authority in-principle.

Overall, the provision of car parking and cycle parking under the proposed development is in accordance with the Council's maximum and minimum policy requirements respectively and is therefore considered to be satisfactory. The site access and servicing arrangements under the proposals are considered to be acceptable. Deliveries, refuse and emergency service vehicles will be able to enter and exit the site in a forward gear. All highways aspects under the proposals are considered to be satisfactory and in adherence with Council policy and local, regional, and national design standards.

Flood Risk and Drainage

Policy SI 12 'Flood Risk Management' of the London Plan (2021) states "Development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed". This is also set out in Policy LP21 'Flood Risk and Sustainable Drainage' of the adopted Local Plan (2018) and Policy 8 'Flood Risk and Sustainable Drainage' of the Draft Emerging Local Plan (2023).

The Site is located in Flood Zone 1. As detailed in the Flood Risk and Drainage Strategy Addendum prepared by Scott White and Hopkins, the overall flood risk of the Site remains low with no significant changes. The overall drainage strategy will remain on site and the new drainage system has been redesigned to suit the new impermeable area and achieving a gravity only solution. Overall, we consider the proposed development meets the relevant flood risk and drainage criteria and is therefore acceptable.

Neighbouring Amenity - Daylight and Sunlight

Part 1 of Policy LP8 'Amenity and Living Conditions' of the adopted Local Plan (2018) states "the council will ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible". This is echoed by Policy 46 'Amenity and Living Conditions' of the Draft Emerging Local Plan (2023).

As set out in the Daylight and Sunlight Report Addendum prepared by Hodkinsons accompanying this application, when tested against the new BRE Guidelines 'Site layout planning for daylight and sunlight, A guide to good practice' (2022), the results show that 86% of the rooms benefit from a good level of day light and 65% of rooms meet the BRE recommended criteria for sunlight exposure. In addition, more than 50% of amenity spaces (55%) meet the BRE minimum two hours of sunlight during 21st of March. Overall, the proposed development will experience excellent internal daylight and sunlight levels within habitable rooms.

It should be noted that, the previous assessment was based on the old BRE Guidelines 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011) and the new tests replace the previous Average Daylight Factor (ADF) and No-Skyline (NSL) tests from BS 8203 and the old BRE Guidance. The new and old tests are not directly comparable, and one cannot convert to the other one. Therefore, considering the current design and the fact that there are no rooms at the lower ground floor anymore and the good results from the current assessment suggest that the proposed minor design changes will not have any negative impacts on the daylight and sunlight levels of the care home. In addition, the impact on amenity spaces is slightly better than before as the courtyard has been lifted from the lower ground floor to the ground floor so the lit area is higher than the previous design. The impact of the daylight sunlight on the neighbouring buildings and their amenity spaces has not changed as the external design of the proposed building remains the same.

Thus, for the reasons set out above, we consider the proposed scheme aligns with Policy LP8 and Policy 46 and should thus be considered acceptable.

Neighbouring Amenity – Overlooking and Privacy

Policy D3 'Optimising site capacity through the design-led approach' of the London Plan (2021) states that development should deliver appropriate outlook, privacy and amenity.

Policy LP 8 'Amenity and Living Conditions' of the adopted Local Plan (2018) states that "All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties".

Policy 46 'Amenity and Living Conditions' of the Draft Emerging Local Plan (2023) states that development should ensure that acceptable standards of privacy are provided and retained, without a diminution of the design quality; development should not result in unacceptable levels of overlooking (or perceived overlooking).

As set out in the Design and Access Statement prepared by Carless + Adams, the development proposes the omission of obscured glazing in bedrooms. This design change follows careful consideration of the impacts of obscure glazing on future residents of the development as the currently worded planning condition would result in reduced outlook and daylight for residents and potentially have a detrimental impact on their health and well-being. Given that such residents will be in their old age and require care, it is expected that most of the time they will spend in their bedrooms will be when they are in bed. When they are not in bed, they will be encouraged to use the communal spaces in the building to promote mental and physical well-being through interaction and movement. It is therefore unlikely that residents will spend any prolonged time in their bedroom, other than sleeping. Even if residents are to look out of the window, it is likely to be when lying in bed or sitting down on a chair positioned next to the bed which will provide naturally splayed views out of the window and ensure no direct overlooking.

Furthermore, the development proposes omission of the glazing on the roof terrace. Given the fact that there will be a 2m wide strip of mid-high landscaping, inaccessible to the residents, between the glazed balustrade and the edge of the building, imposing obscured glazing on the balustrade seems excessive, considering the terrace users will not be able to see into the cottages' gardens regardless of whether it is from sited or standing position.

With regards to the eastern elevation of the new building, a condition attached to the Extant Permission (LPA Ref. LPA Ref. Ref.19/2822/FUL) requires the use of obscure glazing on the first and second floor windows. The reason for this condition is stated as to ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

The Officer Report associated with the Extant Permission noted that:

In terms of distances, the proposed eastern elevation at the rear of the roof terrace is approx. 22m from the rear elevations of QBC 3 and 4. From the main eastern elevation edge the distance is approx. 18m to the rear elevations of QBC 3 and 4. Given the edge of the roof terrace would be just under 20m from the rear elevations of the QBC a 1.7m obscure glazed screen is proposed to prevent unacceptable overlooking into the rear amenity space and windows of QBCs. It is considered reasonable for windows to be obscure glazed on the eastern elevation. With regards to habitable room windows particularly at first floor level, the views from these windows are similar to the previous residential scheme, even slightly further away from the rear elevations of the QBCs. A similar condition which was proposed on the previous residential scheme (reference 16/0606/FUL would be appropriate to prevent direct overlooking."

The proposed amendments seek to remove this condition for obscure glazing with the reasoning set out below.

Paragraph 4.8.8 of the Local Plan states that the minimum distance guideline of 20 metres between habitable rooms within residential development is for privacy reasons; a greater distance may be required for other reasons, or a lesser distance may be acceptable in some instances. These numerical guidelines should be assessed on a case-by-case basis, since privacy is only one of many factors in site layout design; where the established pattern of development in the area (layout and height) may favour lesser distances.

The minimum 18 metre separation distance between the first and second floor windows and Queens Bench Cottages, whilst slightly less than the 20 metre guideline, could be acceptable against policy given that the policy acknowledges a flexible approach. One of the reasons why a flexible approach may be taken in this instance is the established pattern of development in the area which includes terraced streets of Plevna Road and Avenue Road, immediately to the south of the Site. On these streets, separation distances between directly facing habitable rooms are circa 16 metres in places. There are also tight arrangements between properties to the immediate west of the Site. As such, in response to the policy wording, the general urban grain of the area provides a reason why a flexible approach may be taken.

It is also important to consider the impact of obscure glazing on future residents of the development and the currently worded planning condition will result in reduced outlook and daylight for residents and potentially have a detrimental impact on their health and well-being. Given that such residents will be in their old age and require care, it is expected that most of the time they will spend in their bedrooms will be when they are in bed. When they are not in bed, they will be encouraged to use the communal spaces in the building to promote mental and physical well-being through interaction and movement. It is therefore unlikely that residents will spend any prolonged time in their bedroom, other than sleeping. Even if residents are to look out of the window, it is likely to be when lying in bed or sitting down on a chair positioned next to the bed which will provide naturally splayed views out of the window and ensure no direct overlooking.

In summary, the amenity of Queens Bench Cottage is a material planning consideration yet the principle of non-obscured glazing of the bedrooms for the first and second floor windows of the proposed development is not expected to give rise to any adverse amenity impacts. The particular use group of the proposed development means it is unlikely that residents will stand for any great length of time looking directly out the window at Queens Bench Cottages and the separation distances are at least 18 metres - in excess of separation distances found elsewhere in the locality. Any perceived harm is clearly outweighed by the benefit of providing care bedrooms with adequate daylight and outlook to the benefit of the health and wellbeing of residents approaching the end of their life. The current planning condition restricts this and against the criteria set out in the NPPF of when planning conditions should be used (Paragraph 55), the condition is not considered necessary nor reasonable.

Overall, the development is consistent with the principles of the London Plan (2021), adopted and emerging planning policies. The proposed changes to the glazing have been purposefully designed to enhance residents' wellbeing and provide an enjoyable living experience with no negative impacts on existing neighbours. For the reasons set out above we thus considered the proposed development to be acceptable.

Fire Strategy

Policy D12 of the London Plan (2021) sets out that development proposals must achieve the highest standards of fire safety. This is echoed by Policy 44 'Design Principles' of the Draft Emerging Local Plan (2023).

As detailed in the accompanying Fire Strategy Addendum prepared by Surety Fire Solutions, the proposals have considered fire safety at the planning stage, and subject to approval the fire strategy will be developed to ensure that the final building is both safe and compliant. Overall, we consider the proposed development is acceptable in fire safety terms.

Ecology and Biodiversity

Policy LP 15 'Biodiversity' of the adopted Local Plan (2018) sets out the importance of supporting and enhancing biodiversity. This is echoed by Policy 39 'Biodiversity and Geodiversity' of the Draft Emerging Local Plan (2023).

As stated in the Ecology Addendum prepared by Haslam Ecology, the buildings have been maintained to a high standard with no degradation of the external fabric (roof, ridges, guttering, windows, brickwork) since the previous survey in 2021. The adjacent plantation woodland will not be significantly impacted upon provided bat friendly boundary lighting is installed. The site has not significantly altered since the 2021 assessment; therefore, the conclusions and recommendations of the previous report remain valid and the proposed development should therefore be considered acceptable.

The proposal seeks variation to Condition 19 'Green Roof and Solar Panels' and Condition 39 'Wildflower and Green Roofs' of the Extant Permission. It should be noted that these planning conditions were carried forwards from the previous residential consent (LPA Ref. 16/0606/FUL) dated 15 September 2017 which is not of relevance to the proposed development as no Green Roof was consented under the Extant Permission (LPA Ref. 19/2822/FUL). Notably, the removal of these conditions will have no impacts on the ecological performance of the Site.

Trees

Policy LP 16 'Trees, Woodlands and Landscape' of the adopted Local Plan (2018) states "The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits". This is echoed by Policy 42 'Trees Woodland and Landscape' of the Draft Emerging Local Plan (2023).

As stated in the Arboricultural Report Addendum prepared by SJ Stephens Associates, no trees of any significance are proposed for removal and the Arboricultural impact of this development on existing trees is considered acceptable. Therefore, for the reasons set out above, we consider the proposed development accords with adopted and emerging planning policies.

In addition to the above, an Operational Management Plan has been submitted alongside this application which details how the Care Home will be managed.

SUMMARY OF PLANNING BENEFITS

The Officer Report associated with the Extant Permission concluded that the redevelopment of the Site for a care home would deliver a number of benefits. This included a care home to meet an identified need in the borough, economic growth and the creation of the equivalent of 75 full time employees, a net gain in biodiversity and a contribution towards affordable housing. This is in addition to being of an acceptable design and impact on the character of the area and the heritage assets, having an acceptable impact on residential amenity and highway safety, and providing infrastructure to meet the needs generated by the development.

The amendments to the Extant Permission are required to make the scheme viable and deliverable. They will continue to deliver the benefits identified above, however, in addition, will deliver further material benefits over and above the Extant Permission. These include:

- Improvements to the operational energy performance of the building following the move to renewable energy powered sources;
- A reduction in embodied carbon as a result of the omission of part of the basement;
- A reduced construction programme ensuring less disruption to local residents;
- A reduction in construction vehicle movements ensuring less disruption to local residents;
- Improved internal layouts providing greater functionality and accessibility to the benefit of future residents;
- Improved outlook for residents to enable their health and wellbeing; and
- A scheme that is fully compliant with up-to-date Building Regulations and fire safety requirements.

For the reasons set out above, we consider the proposed development wholly complies with the relevant planning policies of the development plan and will deliver considerable material planning benefits that weigh in favour of the scheme being granted planning permission.

SCOPE OF APPLICATION

The following documents are submitted in support of this application:

- Site Location Plan prepared by Carless + Adams;
- Application Form prepared by Montagu Evans;
- Covering Letter prepared by Montagu Evans;
- Approved Drawings prepared by Carless + Adams (dated 2019);
 - Lower Ground Floor Layout drawing number 11045 PL 011 Rev F;
 - Ground Floor Layout drawing number 11045 PL 012 Rev K;
 - First Floor Layout drawing number 11045 PL 013 Rev E;
 - LLB Demolition Retention Lower Ground Floor Level drawing number 11045 PL 901 Rev P4;
 - Proposed Detail Section drawing number 11045 PL 050 Rev A;
 - Proposed Elevations Sheet 1 11045 PL 020 Rev J;
 - Proposed Elevations Sheet 2 drawing number 11045 PL 021 Rev G;
 - Proposed Elevations Sheet 3 drawing number 11045 PL 022 Rev B;
 - Proposed Elevations Sheet 4 drawing number 11045 PL 023 Rev J;

- Proposed Elevations Sheet 5 drawing number 11045 PL 024 Rev B;
- Proposed Site Plan drawing number 11045 PL 010 Rev F;
- Proposed Roof Plan drawing number 11045 PL 016 Rev B;
- Proposed Second Floor Layout drawing number 11045 PL 014 Rev F;
- Site Block Plan drawing number 11045 PL 028 Rev D;
- Site Plan with ground floor plan drawing number 11045 PL 029 Rev C;
- Proposed Drawings prepared by Carless + Adams;
 - Site Plan drawing number 1028 PL 010 Rev G;
 - Basement Floor Plan drawing number 1028 PL 011 Rev G;
 - Ground Floor Plan drawing number 1028 PL 012 Rev L;
 - First Floor Plan drawing number 1028 PL 013 Rev F;
 - Second Floor Plan drawing number 1028 PL 014 Rev G;
 - Roof Plan drawing number 1028 PL 016 Rev C;
 - Proposed Elevations Sheet 1 drawing number 1028 PL 020 Rev K;
 - Proposed Elevations Sheet 2 drawing number 1028 PL 021 Rev H;
 - Proposed Elevations Sheet 3 drawing number 1028 PL 022 Rev C;
 - Proposed Elevations Sheet 4 drawing number 1028 PL 023 Rev K;
 - Proposed Elevations Sheet 5 drawing number 1028 PL 024 Rev C;
 - Site Block Plan drawing number 1028 PL 028 Rev E;
 - Site Plan with Ground Floor Plan drawing number 1028 PL 029 Rev D;
 - Outbuilding Details drawing number 1028 PL 030 Rev D;
 - Proposed Detailed Section drawing number 1028 PL 050 Rev B;
 - Proposed Demolition Plan drawing number 1028 PL 904 Rev P5;
 - Proposed Demolition Plan drawing number 1028 PL 905 Rev P1;
- Drawing Issue Sheet prepared by Carless + Adams;
- Schedule of Application Drawings prepared by Carless + Adams;
- Design and Access Statement prepared by Carless + Adams;
- Planning Statement prepared by Montagu Evans;
- Transport Assessment (addendum) prepared by Paul Mew Associates;
- Heritage Statement Addendum prepared by the Built Heritage Consultancy;
- Daylight and Sunlight Assessment (addendum) prepared by Hodkinsons;
- Structural Statement (addendum) prepared by Scott White and Hookins;
- Sustainable Construction Checklist and Energy statement (to meet new Part L);
- Viability Assessment (addendum) prepared by Meedhurst;
- Flood Risk Assessment and Drainage Strategy prepared by Scott White and Hookins;
- CIL Form prepared by Montagu Evans;
- Fire Strategy (addendum) prepared by Surety Fire Solutions; and
- Operational Management Plan (addendum) prepared by Cinnamon Care Collection.

CLOSING

The application fee of £373 (inc. service charge) has been calculated and paid via the Planning Portal. We look forward to receiving confirmation that our application is validated. Please do not hesitate to contact Tiahna Joshi (tiahna.joshi@montagu-evans.co.uk) or Sam Stackhouse (sam.stackhouse@montagu-evans.co.uk) for any further information you may require at this stage.

Yours faithfully

Montagu Evans

MONTAGU EVANS LLP