

Application reference: 24/0789/FUL
MORTLAKE AND BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
26.03.2024	12.04.2024	07.06.2024	07.06.2024

Site:

Grosvenor Garage, Fitzgerald Avenue, East Sheen, London

Proposal:

Demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

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

APPLICANT NAME

Mr Damian Aziz
4B Kings Court
Burrows Lane
Gomshall
GU5 9QE

AGENT NAME

Mr Andrew Black
Hill Place House
55a High Street
Wimbledon Village
SW19 5BA

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

Consultations:**Internal/External:****Consultee**

14D Urban D
14D POL
LBRuT Waste Services
LBRUT Transport
LBRuT Trees Preservation Officer (South)
LBRuT Ecology
LBRUT Environmental Health Contaminated Land

Expiry Date

29.04.2024
29.04.2024
29.04.2024
29.04.2024
29.04.2024
29.04.2024
29.04.2024

Neighbours:

23 Eleanor Grove, London, SW13 0JN -
25 Fitzgerald Avenue, East Sheen, London, SW14 8SZ -
13A Fitzgerald Avenue, East Sheen, London, SW14 8SZ, - 15.04.2024
13 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, - 15.04.2024
11 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, -
9 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, -
46 Grosvenor Avenue, East Sheen, London, SW14 8BX, - 15.04.2024

44 Grosvenor Avenue, East Sheen, London, SW14 8BX, -
 33 Sutherland Gardens, East Sheen, London, SW14 8DB, -
 31 Sutherland Gardens, East Sheen, London, SW14 8DB, - 15.04.2024
 10 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, -
 8 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, -
 18 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, - 15.04.2024
 14 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, - 15.04.2024
 23 Buxton Road, East Sheen, London, SW14 8SY, - 15.04.2024
 27 Buxton Road, East Sheen, London, SW14 8SY, -
 25 Buxton Road, East Sheen, London, SW14 8SY, -
 16 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, - 15.04.2024
 12 Fitzgerald Avenue, East Sheen, London, SW14 8SZ, -
 26 Buxton Road, East Sheen, London, SW14 8SY, -
 24 Buxton Road, East Sheen, London, SW14 8SY, -
 22 Buxton Road, East Sheen, London, SW14 8SY, - 15.04.2024
 20 Buxton Road, East Sheen, London, SW14 8SY, - 15.04.2024
 18 Buxton Road, East Sheen, London, SW14 8SY, - 15.04.2024
 103 Grosvenor Avenue, East Sheen, London, SW14 8BU, -
 101 Grosvenor Avenue, East Sheen, London, SW14 8BU, -
 99 Grosvenor Avenue, East Sheen, London, SW14 8BU, - 15.04.2024
 5 Buxton Road, East Sheen, London, SW14 8SY -
 26 Sutherland Gardens, London, SW14 8DB -
 3 Fitzgerald Avenue, East Sheen, London, SW14 8SZ -
 19 Buxton Road, East Sheen, London, SW14 8SY -
 5 Fitzgerald Avenue, East Sheen, London, SW14 8SZ -
 22 Buxton Road, London, SW14 8SY -
 7 Fitzgerald Avenue, East Sheen, London, SW14 8SZ -
 6 Fitzgerald Avenue, East Sheen, London, SW14 8SZ -
 7 Sutherland Gardens, East Sheen, London, SW14 8DB -
 65 Grosvenor Avenue, East Sheen, London, SW14 8BU -

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

<u>Development Management</u>	
Status: REF	Application:87/94/22
Date:01/10/1987	Use of part of the premises as a workshop and part as a MOT bay (Plan No. GG/85/1 dated 9th May 1987 and received on 23rd July 1987).
<u>Development Management</u>	
Status: REF	Application:87/94/1
Date:19/03/1987	Use of part of the premises as a workshop and part as an MOT bay. (Plan No. GG/85/1 dated 9th May 1985 received on 21st January 1987).
<u>Development Management</u>	
Status: GTD	Application:88/1182
Date:18/07/1988	Continuation of use of premises for vehicle repair, servicing and MOT testing together with lock up garaging for storage of vehicles.
<u>Development Management</u>	
Status: GTD	Application:67/1839
Date:20/11/1967	Installation of two 2,000 gallon underground tanks.
<u>Development Management</u>	
Status: PCO	Application:24/0789/FUL
Date:	Demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

Application Number	24/0789/FUL
Address	Grosvenor Garage, Fitzgerald Avenue, East Sheen, London, SW14 8SZ
Proposal	Demolition of existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.
Contact Officer	Grace Edwards
Legal Agreement	NO

1. INTRODUCTION

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

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

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application comprises a vacant vehicle repair, servicing and MOT testing facility together with lock up garages, in addition to a two storey building comprising a flat over an office. The site is located at the junction between South Worple Avenue, Buxton Road and Fitzgerald Avenue. Access to the site is also provided from the west via Grosvenor Avenue. The site is not located within a Conservation Area, nor are there any statutory or locally listed buildings within the site. The site is subject to the following constraints:

- Area susceptible to groundwater flooding
- Article 4 Direction Basements
- Critical Drainage Area
- Increased Potential for Elevation Groundwater
- Land Use Past Industrial
- Main Centre Buffer Zone
- Protected view (Indicative Zone) from Richmond Park towards St Pauls Cathedral
- Area susceptible to surface water flooding

Adjacent to the site, 13 Fitzgerald Avenue is a Building of Townscape Merit.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks consent for the demolition of the existing buildings on site and construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

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

88/1182 - Continuation of use of premises for vehicle repair, servicing and MOT testing together with lock up garaging for storage of vehicles. **(Granted)**

The flat above the garages was granted permission in 1964 and it is understood that the site was used as a petrol station in the 60's and 70's until it was converted to be used as a motor vehicle repair business with lock up garages.

4. CONSULTATIONS CARRIED OUT

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

31 letters of objection have been received, including multiple from the same address, and the comments can be summarised as follows:

- Insufficient parking
- Noise and dust pollution from construction
- No need for the number of dwellings proposed
- Local infrastructure is already stretched
- Will add to existing traffic levels
- Drawings look ugly
- Loss of community valued business
- Proposals are overly dominating and too dense for the area
- Buildings are architecturally out of keeping
- Light pollution
- Loss of privacy through overlooking from balconies and large windows
- Buildings are higher than surrounding properties
- Security
- Cumulative impact with other developments within the locality
- The mansard roof accommodation has a far steeper pitch and is not comparable to surrounding development
- The block of flats is inappropriate in the context of large semi detached family homes
- Loss of light
- Overshadowing
- No information as to what the commercial space might be used for
- No other houses have frontages with balconies
- Overdevelopment of the site
- Contaminated land on site
- Fenestration does not fit together on one building let alone a street
- The PV panels might add additional height to the buildings
- No commercial space is required
- The ground contamination report does not note the presence of two 2000 gallon underground tanks
- Construction management plan is flawed
- Increased trip generation
- Design is bulky and out of keeping
- Fails to preserve or enhance the BTMs that adjoin the site
- The buildings appear as three storeys rather than two storeys with roof accommodation
- Residents should not be allowed parking permits
- No visitor parking provided
- The size of the flats are small
- Commercial unit is out of place in a residential area
- Lack of community consultation by the applicant

A request was made by a Councillor that the application be heard by planning committee, however this request was received outside of the timeframes outlined within the Council's Constitution. As such, the decision will be made through delegated powers.

Neighbour amenity considerations are assessed under Section 6 (impact on neighbour amenity) in the report below.

Two letters of observation have been received and the comments can be summarised as follows:

- Boundary walls must be retained/rebuilt and a secure gate reinstated to prevent public access to the private gated alleyway
- Builders should adhere strictly to the safe removal of asbestos and underground petrol tanks
- Agree with the overall layout
- The buildings are 3 storeys, rather than 2 storeys with accommodation within the roofspace, and are out of character
- The size of the roof accommodation means that this could be an overdevelopment

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

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

These policies can be found at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

London Plan (2021)

The main policies applying to the site are:

- GG1 Building strong and Inclusive communities
- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D3 Optimising site capacity through design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D12 Fire Safety
- D14 Noise
- H1 Increasing Housing supply
- H2 Small sites
- H4 Delivering Affordable housing
- H6 Affordable Housing tenure
- H10 housing size mix
- E4 Land for industry, logistics and services to support London economic function
- HC1 Heritage conservation and growth

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

Richmond Local Plan (2018)

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

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Building heights	LP2	Yes	No
Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Local Environmental Impacts, Pollution and Land Contamination	LP10	Yes	No
Impact on Biodiversity	LP15	Yes	No
Impact on Trees, Woodland and Landscape	LP16	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No
Sustainable Design and Construction	LP20, LP22, LP23	Yes	No
Waste Management	LP24	Yes	No
New Housing, Mix, Standards and Affordable Housing	LP34, LP35, LP36	Yes	No
Employment and local economy	LP40	Yes	No
Industrial Land and Business Park	LP42	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

These policies can be found at

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

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. 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 Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Issue	Publication Local Plan Policy	Compliance	
Tackling the climate emergency	3	Yes	No

Minimising Greenhouse gas emissions and promoting energy efficiency	4	Yes	No
Sustainable construction standards	6	Yes	No
Waste and the circular economy	7	Yes	No
Flood risk and sustainable drainage	8	Yes	No
New Housing, Affordable Housing, Housing Mix and Standards	10, 11, 13	Yes	No
Infill and Backland Development	15	Yes	No
Small Sites	16	Yes	No
Managing the impacts of development on local surroundings	19	Yes	No
Promoting jobs and our local economy	22	Yes	No
Industrial land	24	Yes	No
Local character and design quality	28	Yes	No
Non-designated heritage assets	30	Yes	No
Views and vistas	31	Yes	No
Biodiversity and Geodiversity	39	Yes	No
Trees, Woodland and Landscape	42	Yes	No
Amenity and living conditions	46	Yes	No
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48	Yes	No

Supplementary Planning Documents

Affordable Housing
Air Quality
Buildings of Townscape Merit
Design Quality
Development Control for Noise Generating and Noise Sensitive Development
Transport
Refuse and Recycling Storage Requirements
Residential Development Standards
Small and Medium Housing Sites

These policies can be found at:

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:
Community Infrastructure Levy

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

The key issues for consideration are:

i Principle of Development

- ii Design and impact on heritage assets
- iii Impact on neighbour amenity
- iv Housing Mix and Standards
- v Affordable housing
- vi Sustainability
- vii Waste Management
- viii Transport
- ix Trees and Ecology
- x Biodiversity
- xi Pollution
- xii Flood Risk
- xiii Fire Safety

Issue i – Principle of Development

Commercial development

The 2021 London Plan supports the retention and improvement of employment space (offices and industrial) and the creation of new employment space, through policies E1 (Offices), E2 (Providing suitable business space), E4 (Land for industry, logistics and services to support London's economic function) and E7 (Industrial intensification, co-location and substitution).

Policy LP 40 in the Local Plan states that the Council will support a diverse and strong local economy through the retention of land in employment use for business, industrial or storage purposes. The provision of small units, affordable units and flexible workspace such as co-working space is encouraged.

Policy LP 42 states that loss of industrial space outside of the locally important industrial land and business parks will only be permitted where robust evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location.

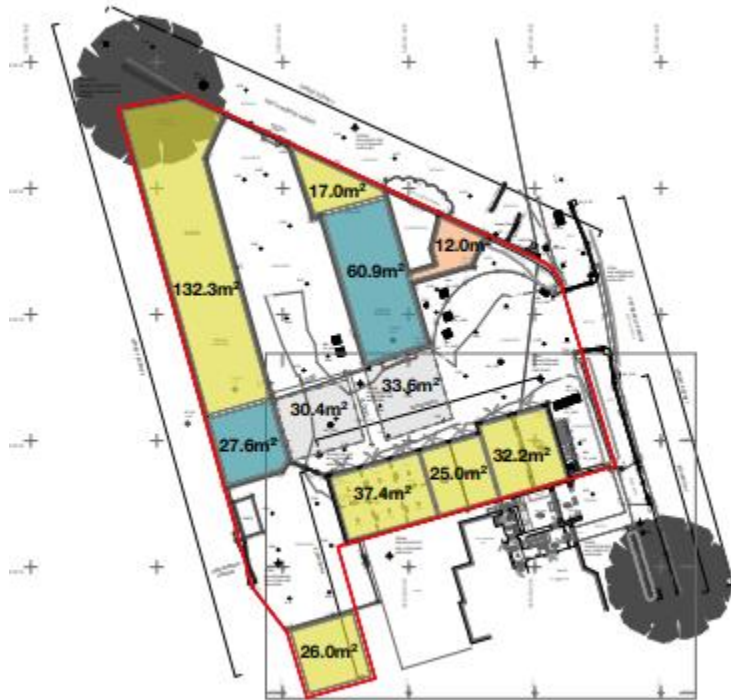
The supporting text to LP 42 at paragraph 10.3.1 states that “The term 'industrial land' referred to throughout this policy covers land used for general industry, light industry, warehouses, open storage, self storage, distribution and logistics and other similar types of employment, as well as any other uses which fall within the B1c, B2 or B8 Use Classes or are considered to be Sui Generis. Land which does not fall within these use classes but is considered to contribute to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land, will also be protected in line with the policy.”

Policy 42 requires evidence of completion of a full and proper marketing exercise, to justify the loss of industrial space, over a minimum period of two continuous years in accordance with the approach set out in Appendix 5. Following this, a sequential approach to redevelopment or change of use is applied that prioritises redevelopment for alternative employment uses, followed by maximum provision of affordable housing.

The Councils Employment Land and Premises Needs Assessment 2021, updated in 2023, has shown that there is an ongoing shortfall in the availability of industrial land in the borough. The policies in the Publication Local Plan seek to protect existing industrial land in the borough, with policy 21 expecting an employment-led approach to redevelopment of existing industrial sites and policy 24 requiring redevelopment proposals to contribute to a net increase in industrial floorspace. Marketing information, if submitted, will be considered as a material consideration, but will not in itself justify an exception to policy.

The application site is occupied in part by an MOT garage, alongside private garages which the applicant has confirmed were leased for storage to other third parties. The scheme proposes, alongside housing, the provision of 107sqm of commercial floorspace.

The applicant has provided a plan of the existing uses, indicating two workshops, and office and circulation areas, in order to quantify the existing floor areas considered to be in industrial use. The combined floorspace of the buildings labelled as workshop and office (blue and orange below) totals 100.5sqm. As such, the applicant considers the scheme would provide an uplift in terms of GIA of 6.5sqm.



However, there is also additional areas labelled circulation space (grey) totalling 64.0sqm which has not been accounted for. Furthermore, having regard to the nature of the use, and indeed from aerial imagery and a photo included within the submitted design and access statement, it would appear that a larger area of the site was being used for storing vehicles when the garage was still in operational use than is being shown as circulation space on the plan.



It therefore does not appear that all of the industrial floorspace on the site (e.g. access road, forecourt, areas used for parking of vehicles in connection with the garage) would be replaced as part of the proposals, and that there would be a net loss of industrial floorspace as a result of the proposal.

The applicant considers that the mixed-use nature of the site meant that this circulation space could be frequently crossed by those accessing the existing lock up garages and was therefore compromised and not solely for the purposes of the workshop space. However, it is noted that there are 2 access points to the site, and it is therefore unlikely that all of the circulation space was in mixed use. As such, it is considered that insufficient evidence has been provided to accurately ascertain the loss of industrial floorspace.

Given the applicant considers they are re-providing the 100.5sqm of industrial floorspace, no marketing evidence has been provided to justify the loss.

Turning to the re-provision of industrial floorspace on site, clarification was sought from the applicants in relation to the intended use of the commercial unit, and it was confirmed that the commercial unit is proposed to fall under Class E, including part g(iii), for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Given that the scheme therefore has the potential to accommodate other uses within Class E which are non-industrial, such uses are required to be assess through the sequential test outlined in policy LP42, which prioritises other employment generating uses, followed by provision of affordable dwellings.

Whilst the applicant has suggested a willingness to accept an appropriately worded condition restricting non-industrial uses, the issues in relation to inadequate re-provision of floorspace outlined above would remain.

The loss of employment floorspace is not supported by the Council's existing and emerging employment policies. As such, in the absence of a full and proper marketing exercise which takes into consideration the sequential approach to redevelopment, the scheme is considered contrary to the requirements of LP 40 and 42 and Appendix 5 of the Local Plan, policies 22 and 24 of the Publication Local Plan and policies E1, E2, E4, and E7 of the London Plan.

Residential development

Loss of housing

Policy LP38 outlines the presumption against the loss of housing units, noting the constraints of limited land supply and high land values. Any loss of existing units exacerbates the challenges of achieving housing targets. This is taken forward in policy 14 of the Publication Local Plan.

Policy 2 of the Publication Local Plan prioritises the use of previously developed land, including the reuse and conversion of existing buildings to minimise embodied carbon with a presumption in favour of refurbishment. Policy 3 of the Publication Local Plan requires reuse and refurbishment in preference to demolition and new construction. Policies 4 and 7 seek to minimise embodied carbon.

The proposal would result in the demolition of all buildings on site and the loss of the existing residential unit at first floor fronting Fitzgerald Avenue.

The policy continues to state that redevelopment of existing housing should normally only take place where: a. it has *first* been demonstrated that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme; and, if this is the case b. the proposal does not have an adverse impact on local character; and c. the proposal provides a reasonable standard of accommodation, including accessible design, as set out in LP 35 Housing Mix and Standards

Supporting paragraph 9.5.4 of LP38 recognises that there may be exceptions to this if other policy priorities are met and wider benefits provided such as an increase in employment uses, affordable housing or housing to meet identified community needs, provision of health facilities, or infrastructure. As outlined above, there would be no increase in employment uses and no affordable housing has been proposed. No information has been provided as part of the application to justify that the existing unit could not be retained and refurbished.

The thrust of the policy is to safeguard the housing stock and resist unjustified replacement of existing dwellings, when demo/rebuild may not be the most sustainable or suitable option. Para 17.65 of the Publication Local Plan explains that *“There is a presumption for the applicant to first assess the potential for retaining and refurbishing existing buildings. This reflects the climate change emergency and the need to consider the whole life cycle of development, including the existing buildings embodied carbon, given the support for upgrading and reusing existing buildings as set out in Policy 4 Minimising Greenhouse gas emissions and promoting energy efficiency and Policy 28 Local Character and Design Quality.”*

It is recognised that the loss of this unit is sought as part of a comprehensive redevelopment of the site incorporating some replacement employment provision and a net gain in residential units, in accordance with Publication Local Plan policy 14 part C (2). There is the potential therefore for wider benefits to be achieved. However, it remains that the policy requirement has not been addressed, there are concerns that the land use mix has not yet been satisfactorily justified, that there is no adverse impact on local character and wider benefits proven, and so the scheme fails to comply with the requirements of policies LP20, LP22 and LP38 of the Local Plan (2018) and policies 2, 3, 4, 7, 14 and 28 of the Publication Local Plan.

Provision of housing

The site lies within a predominantly residential area, therefore, the principle of residential development on the site is considered acceptable in the context.

Policy H2 of the London Plan 2021 states that boroughs should pro-actively support well-designed new homes on small sites through planning decisions in order to significantly increase the contribution of small sites to meeting London’s housing needs as well as to diversify the sources, locations, type and mix of housing supply. The policy also notes that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

The London Plan 2021 supports incremental intensification within PTALs 3-6 or within 800m distance of a

station or town centre boundary and that can include infill development and redevelopment of residential garages where this results in net additional housing provision (para 4.2.4). Whilst the application site is located within PTAL 2, it is located within 800m of East Sheen town centre boundary.

The supporting text to London Plan policy H2 also specifically states that incremental intensification can take a number of forms including new build, infill development, residential conversions, redevelopment, or extension of existing buildings, including non-residential buildings and residential garages and states that these developments should generally be supported where they provide well-designed additional housing to meet London's needs.

As such, it is considered that the London Plan supports incremental intensification in this location, given it would result in net additional housing provision.

Richmond has a very high need for housing, whilst also having a variety of constraints to development including the River Thames (the borough is the only one in London to be both North and South of the river), large swathes of protected parks as well as a high quantum of open space designations and conservation areas, meaning there is a high need for housing, but limited opportunities to deliver housing.

Within the recently updated National Planning Policy Framework (NPPF) 2023, Chapter 5 continues to encourage local planning authorities to; 'support the Government's objective of significantly boosting the supply of homes'. Encouragement for the delivery of new housing is also expressed within the London Plan 2021, Policy LP 34 of the Richmond Local Plan (2018) and the emerging Local Plan Policy 10. The borough has a 10-year target set in the London Plan of creating 4,110 homes, which is reflected in the emerging Richmond Local Plan policy 10.

The significant need for housing within Richmond is clear within the recent Local Housing Needs Assessment which forms part of the evidence base for the emerging Local Plan. The stage 2 LHNA was carried out and was published in March 2023. In relation to the overall need for affordable housing, the stage 2 assessment determined an overall need equating to 1,407 dwellings per annum. This overall need figure is well above the housing target identified for Richmond within the London Plan of 411 dwellings per annum. This highlights the high level of housing need within the borough and the Councils Housing Delivery Test score was recently published, which states only 92% of the overall housing target had been met over the past 3 years, so Richmond is now required to produce a Housing Delivery Test Action Plan. It is therefore highly important for the Council to focus on additional housing delivery.

Backland development

Policy LP39 requires that all infill and backland development reflects the character of the surrounding area and protects 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 unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

Policy 15 of the draft Local Plan broadly contains the same requirements

As outlined in the sections below, some elements of the proposal are considered to comply with the above criteria. However, as described within the Design, Neighbour Amenity, Waste and Transport sections below, the proposals are not considered to enhance the street frontage, re-provide features important to character, nor would they result in no unacceptable adverse impact on neighbours, nor would they provide adequate refuse storage. The proposals are not considered to comply with the aims and objectives of policy LP39.

In relation to density and optimising sites, as highlighted in emerging plan policy 15, based on the points regarding LP39, the dwellings proposed are, in some instances, significantly larger than nationally described space standards and as such, officers are concerned that the proposals do not make the most efficient use of the space in alignment with emerging policy aspirations.

Issue ii- Design and impact on heritage assets

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.

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.

Policy LP4 seeks to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit.

The Small and Medium Housing Sites SPD states that the horizontal and vertical arrangement of facades should balance with neighbouring elevations and the streetscene. Infill facades should not rely on 'off the shelf' detailing which is likely to have little relevance to the local context. The proportions and rhythm of windows and doors from surrounding buildings, as well as any characteristic arrangements of materials, form a 'language' which will provide visual clues to the design of frontages. The degree of reproduction or reflection of these elements will depend on the formality of the street.

The site is located in a predominantly residential setting with Victorian semi-detached and terraced dwellings with modest front gardens, some of which are in use for vehicular parking. The site is not located within a Conservation Area, although is partially visible from White Hart Lane Conservation Area which is located to the northeast of the site, along Fitzgerald Avenue. The buildings on the western side of Fitzgerald Avenue, including No. 13 directly adjacent to the site, constitute Buildings of Townscape Merit.

The proposals comprise demolition of the existing buildings on site, and the construction of five apartments, three houses and a commercial unit with associated access, landscaping and car parking.

Demolition

No objections are raised to the demolition of the existing buildings on site in design terms as the structures are of no townscape value.

Layout

The prevailing layout of the surrounding development is largely suburban housing, arranged along linear streets, predominantly in terrace rows, however by virtue of its non residential use and arrangement of a number of modest single storey structures, the application site is distinct from this predominant pattern.

It is noted that the buildings respect the existing building lines and would therefore be in accordance with

the Councils SPD in this regard. The separation distances proposed and the spacing between buildings are generally considered to satisfactorily reflect those seen in the vicinity of the site and prevent the development appearing overly cramped. This is with the exception of the apartment block which is sited up to the northern boundary of the site.

Whilst it is acknowledged the existing building is sited up to the boundary at this point, the existing building is single storey whereas the proposed would have the visual prominence of 3 storeys, owing to its mansard roof design and 1.8m high privacy screen at roof level. It is therefore considered that the flatted block would appear overbearing in the streetscene, particularly on this prominent corner plot. It is noted that the submitted design and access statement includes an indicative drawing where the building is set back from the boundary which is a much more considered approach and reduces the visual prominence of the proposed building.

The locality is characterised by properties with large rear garden spaces, which provides an open green character to the rear of the properties in the locality, however it is noted that some of the gardens of properties to the west of Buxton Road exhibit more modest gardens due to the presence of South Worple Avenue running along the rear. As such, the proposed garden spaces proposed to serve the development are considered to be in accordance with the character of the area.

Height, scale and massing

In terms of height, the proposed buildings would be marginally higher than adjacent however this is not to an extent which would be harmful to the character of the area.

The proposed buildings would be significantly larger in terms of bulk and massing than the existing buildings on site, by virtue of their increased height and footprint. The additional massing is exacerbated by the proposed mansard roof design, with tall dormers which give the proposed building a top heavy appearance, out of keeping with surrounding development.

Appearance

Aside from the prevailing character in terms of building typologies, there are a variety of roof designs, fenestration arrangements and materials used within the vicinity of the site such that there is no consistent character of the area which the proposal seeks to adhere to.

The proposed building has been designed as two storeys, with a second floor located within a substantial mansard roof across the whole of the development, served by additional tall front and rear dormer windows. Plot 1 additionally has a first and second storey rear projection, which extends above the height of the dormers at roof level and which has fenestration at a greater scale than on the floors below.

Buildings within the surrounding area comprise two storeys, with extensions within the rear roof slopes. Whilst it is noted front gables are evident within the locality, front dormers are not. Indeed, the Councils House Extensions and External Alterations SPD advises that 'it is undesirable to add a roof extension (including dormers) to the front of a house, particularly when ... these are not a character of the street.'

It is noted that there are a number of instances within the vicinity of the site of large box dormers, however these are located to the rear of properties with the front roof slopes largely retained.

The applicant has drawn officers attention to two examples of a mansard roofs with front dormers at Nos. 1 and 2 Fitzgerald Avenue. However, this is not considered to form part of the prevailing character of the area, and is modest in scale, featuring only on a small element of the host building.

In contrast, the proposed mansard roof design has been incorporated throughout the proposed development. Due to its siting, design, bulk and massing at roof level, and the additional dormers, the proposed building would have a top heavy, overbearing appearance, and would constitute a dominant, unsympathetic and incongruous form of development. The proposed front and rear dormers and second

floor rear projection to plot 1 add to the clutter at roof level, and in combination with the juliette balconies, exacerbate its visual impact.

Infill development must incorporate or reflect detailing and materials evidenced within the vicinity of the site, however there is no requirement for proposals to replicate exactly surrounding development. It is noted that the proposals have taken some design cues from the adjacent BTMs which is positive and the proposed materiality is broadly considered acceptable subject to detail, however by virtue of its bulk and massing, particularly at roof level, the design of the proposed building still appears at odds with surrounding development.

It is also considered that the proposed terraces with their 1.8m high privacy screens on street facing elevations would appear out of keeping with surrounding development. As such, it is not considered that the proposed scheme would integrate satisfactorily within the streetscene in terms of appearance.

Heritage Impacts

Paragraph 209 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The existing site is not a particularly positive contributor to the setting of the adjacent BTMs, notably the existing two storey flat roof element directly adjacent. Whilst the proposal is not considered to enhance the setting of the adjacent BTMs, it would have a neutral impact on them and is not considered to detract from their significance. The proposal is therefore considered acceptable in this regard.

Policy LP5 of the adopted Local Plan and policy 31 of the emerging Local Plan resist development which interrupts, disrupts or detracts from strategic and local vistas, views, gaps and the skyline. The proposed development falls within the buffer zone of the protected view from Richmond Park to St Pauls Cathedral. However, in response to the modest scale of the development, this would not be of such a height or scale that would disrupt this view or alter any significant townscape characteristics.

In view of the above, the proposal fails to comply with the aims and objectives of policy LP1 of the Local Plan and policy 28 of the emerging local plan.

Issue iii- Impact on Neighbour Amenity

Policy LP8 of the Adopted Local Plan (2018) seeks to protect neighbouring residential properties from an unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.

In addition, the Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings, and that adjoining properties or land are protected from overshadowing in accordance with established standards. Facing habitable rooms between any proposed structure and the frontage property would therefore be expected to maintain a distance of at least 20 metres. Where principal windows face a wall that contains no windows or those that are occluded (e.g. bathrooms), separation distances can be reduced to 13.5 metres. The Residential Development Standards SPD states that windows should not overlook a habitable room or garden of a neighbouring dwelling to an unreasonable degree.

The application site adjoins Nos. 13 and 11 Fitzgerald Avenue, and No. 46 Grosvenor Avenue to the south; and No. 103 Grosvenor Avenue to the west. To the north, the site is separated from Nos. 26 and 24 Buxton Road by South Worples Avenue, however partially adjoins the site of Barnes Hospital; and to the east, the site is separated from No. 27 Buxton Road and Nos. 12 and 10 Fitzgerald Avenue by the intervening public highway.

Visual intrusion, privacy and outlook

The existing buildings on site are largely single storey, or low level two storey. In contrast, the proposal adds an additional storey, with a third within the proposed mansard roof which will result in a material change in outlook to the surrounding properties.

No. 13 Fitzgerald Avenue

There is existing development on the site spanning the full depth of this adjoining site, including a two storey building towards the front, and a single storey building towards the rear.

The proposed commercial building would be sited in close proximity to this neighbouring property, and would extend beyond the main rear elevation of No 13 by approximately 2.22m. However, it is noted that this neighbouring property has small recessed section to the rear, directly adjoining the site. The proposed building would extend beyond this part by approximately 5.4m.

There are two first floor side facing windows within this property which the proposed building would extend directly in front of, however these both serve bathrooms. Additionally, there is a rear facing window at ground floor within the recessed element, and a ground floor side facing window, which are a secondary window serving a study and a single window serving a WC respectively.

Whilst the proposal would be larger than the existing buildings on the site, having regard to its modest projection beyond this property, and the nature of the affected windows, it is not considered it would have an unacceptable impact on this property in terms of outlook, nor would the proposal appear overbearing or obtrusive. Furthermore, it is noted that the demolition of the existing buildings along the boundary to the rear of this neighbouring property would introduce a level of visual relief from built form.

However, the proposed first and second floor front windows of units 2 and 3 would provide opportunities for overlooking into the private amenity space of this property at a distance of approximately 7.8m. There is a degree of existing mutual overlooking from rear elevation windows although the facing relationship from these units is considered to materially worsen this and so is considered to constitute a harmful loss of privacy to the occupants of this property. The degree of harm is modest.

11 Fitzgerald Avenue

There is an existing single storey building directly adjacent to the rear part of the site boundary of this neighbouring site. This building would be demolished as part of the proposed development and would be replaced by two car parking spaces.

Whilst the proposed development would be readily visible from the garden of this property, it is not considered it would appear overbearing or obtrusive to a harmful degree.

46 Grosvenor Avenue

As above, there is an existing single storey structure adjacent to the site boundary of this property which will be replaced by two car parking spaces. Whilst the proposed development would result in an altered outlook from the front windows of this property, it is not considered it would appear overbearing or obtrusive to a harmful degree.

103 Grosvenor Avenue

There is a single storey block of garages spanning the full depth of this adjacent site which would be demolished as part of the proposal, and replaced by the end of the three terraced dwellings, unit 1. It is noted that there is a first floor side facing window within this property, however this serves a bathroom. Additionally, there is a rear facing window at first floor within the recessed element, which serves a single aspect bedroom.

The first floor of the proposed unit 1 has been stepped back such that it would not breach a 45 degree line drawn from this window. It is therefore considered that the proposal would not appear overbearing or visually intrusive to this neighbouring property to an extent which would justify a refusal on this basis.

Furthermore, it is noted that the demolition of the existing building in combination with the limited depth of the proposed building, would provide some relief from built form along the shared boundary with this neighbouring property.

In relation to overlooking, it is acknowledged that the rear facing first floor windows within unit 1 could offer additional overlooking opportunities in relation to what currently exists. However, any views would be oblique across the rear garden of this property and in the context of mutual overlooking from upper floor windows, is not considered to be harmful to an extent which would warrant a refusal on this basis.

Barnes Hospital

The Barnes Hospital site adjoins a small portion of the application site to the north west. Given the separation distance and oblique relationship, it is not considered that the proposal will have a significant impact on this adjacent site.

26 Buxton Road

The separation distance between the flatted block and No. 26 Buxton Road is approximately 7m. By virtue of the unusual plot layout of No. 26, part of its private amenity space is located to the side benefiting from a southerly aspect, and would be approximately 4.8m away from the proposed development.

Whilst it is acknowledged that there would be a privacy screen around the proposed balcony to restrict views towards this property, there is a first floor window serving the living area of one of the flatted units within the angled elevation which would offer direct views into the private amenity space of No. 26 Buxton Road from a distance of just 4.8m which would have a harmful impact on the privacy of the adjacent occupants. Given the relatively small size of the garden this impact would be exacerbated. It is acknowledged that overlooking to this space will also be afforded from 25 and 27 Buxton Road opposite, albeit at greater distance. The degree of harm arising from loss of privacy is thus considered to be modest, but this must be considered in the planning balance.

Furthermore, given the limited separation distance, the proposal would present tall built form in close proximity to their side boundary where they currently enjoy unobstructed open outlook. The proposal would substantially alter this outlook and would appear visually intrusive and overbearing from this property, resulting in a harmful sense of enclosure.

The applicant notes that this property also benefits from a rear garden amenity area as well as the space to the side. Whilst this may be the case, a desktop assessment demonstrates that this southern area is used by occupants of the dwelling owing to the presence of garden furniture, umbrellas and other paraphernalia. As such, it is necessary to protect this area as a private amenity area regardless of the presence of an additional amenity area to the rear.

It is noted that there are windows within the angled side elevation of this neighbouring property. However, these serve as a secondary window to a kitchen at ground floor level, and bathrooms at first and second floor levels. As such, no concerns are raised in relation to the proposal in this regard.

27 Buxton Road, 12 Fitzgerald Avenue & 10 Fitzgerald Avenue

Having regard to the separation distance, orientation of neighbouring properties and intervening public highway, whilst the proposed development would be readily visible to these neighbouring properties, it is not considered that it would have a detrimental impact on their amenities.

Apartment 3 has a front facing balcony which is not proposed to be enclosed by a privacy screen. This would overlook the outbuilding at 10 Buxton Road. Views towards the private amenity space at this property would be more oblique and at sufficient distance as to not be considered harmful.

Daylight, Sunlight and Overshadowing

No Daylight, Sunlight and Overshadowing assessment has been provided in support of the application. The relationship with surrounding habitable room windows is satisfactory as discussed above with the scheme meeting the 45 degree test or otherwise affecting secondary or non-habitable room windows. Whilst a concern has been raised over the visual impact on the amenity area to no. 26, given that this property has a second amenity space it is not considered that the scheme would fail the BRE test for overshadowing taking the amenity space as a whole.

Issue iv – Housing Mix and Standards

Policy H10 of the London Plan advises schemes should generally consist of a range of unit sizes, setting criteria to which regard should be had.

Policy LP35, and emerging Local Plan Policy 13, requires developments to generally provide family sized accommodation, except within the five main centres and Areas of Mixed Use, where a higher proportion of small units would be appropriate. The Local Plan defines family housing as “having three or more bedrooms, however if of a suitable size (meeting the Nationally Described Space Standard (NDSS) and the external amenity standards) a two bedroom property can be designed for 3 or 4 persons and would be considered as family housing”.

Policy LP35 also requires 90% of all new build housing to meet Building regulations standard M4(2) and 10% M4(3). Local Plan policy LP36 sets out a presumption against the loss of housing.

The scheme proposes the following mix of units:

3 x 1B2P
2 x 2B4P
1 x 3B5P
2 x 4B8P

Whilst 5 of the 8 proposed dwellings would be classed as family sized dwellings, three of the proposed dwellings are 1 bed flats which would not align with the policy requirement.

Policy LP 35 (B) requires new housing to comply with the nationally described space standard which sets out the following minimum gross internal floor area. The below table demonstrates that all of the proposed units comply with these standards, and in some cases significantly exceed them.

Unit	Occupancy	NDSS	GIA	Exceedances
Apartment 1	1B2P	50sqm	50sqm	0sqm
Apartment 2	1B2P	50sqm	51.9sqm	1.9sqm
Apartment 3	2B4P	70sqm	110sqm	40sqm
Apartment 4	1B2P	50sqm	51.9sqm	1.9sqm
Apartment 5	2B4P	70sqm	80sqm	10sqm
Plot 1	3B5P	99sqm	148.5sqm	49.5sqm
Plot 2	4B8P	130sqm	177.3sqm	47.3sqm
Plot 3	4B8P	130sqm	176.4sqm	46.4sqm

The space standard also sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. As set out in paragraph 9.2.6 of the Local Plan, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality,

especially in terms of light, ventilation and sense of space. The 2.5m height is required by D6 of the London Plan. The proposal would be in compliance with this standard.

The requirements of Policy LP35 (C and D) and the Residential Development Standards SPD apply to external amenity space. A minimum of 5 sqm of private outdoor space for 1-2 person dwellings plus an extra 1 sqm should be provided for each additional occupant. Apartments 2-5 are all provided with a balcony of the required size, and apartment 1 and plots 1-3 are all served by gardens in compliance with this standard.

All units would be at least dual aspect and it is considered that a generally a good level of outlook would be provided to the units, however no daylight/sunlight assessment has been provided to confirm the quality of units proposed in this regard. It is noted that bedroom 1 in apartment 2 which has its sole outlook onto the balcony could be impacted in terms of daylight/sunlight and experience a constrained quality of outlook given the proposed privacy screens. Whilst this shortcoming amounts to harm on the minor end of the scale, it adds to the cumulative concerns on the development.

Under policy LP35 (E), 90% of all new build housing is required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% of all new build housing is required to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'. The applicant has submitted an Accessible and Adaptable Dwellings Statement which states that Apartment 3 has been designed in compliance with M4(3). Whilst it is regrettable that this unit is not located at ground floor level, and therefore relies on a single lift, it is noted the provision of this unit meets the policy requirement. All other dwellings will be compliant with Part M4(2). Had the scheme been considered acceptable, this provision would have been secured by condition.

Issue v – Affordable Housing

Policy LP36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 80% affordable housing, given the proposal creates eight units and there is a loss of employment floorspace as outlined above.

At Part D, Policy LP36 sets out that where a reduction to affordable housing is sought, a development appraisal must be submitted which is required to be independently assessed at cost to the applicant.

While a viability assessment has been provided, given the other concerns with the application and the additional cost to the applicant of undertaking such a review, the application has not been progressed to this stage.

Therefore, in the absence of an agreement to fund the independent review of the viability evidence and in the absence of a legal agreement to secure an affordable housing contribution, the proposal is also recommended for refusal on the grounds of lack of affordable housing contribution.

Issue vi – Sustainability

Policy LP20 on Climate Change Adaptation states that new development should minimise energy consumption and minimise the impact of overheating.

Policy LP22 states that developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. It requires that new dwellings comply with the Sustainable Construction Checklist and incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day. It also requires that new dwellings achieve a 35% reduction in carbon dioxide emissions. New non-residential buildings over 100sqm will be required to meet BREEAM 'Excellent' standard.

The application has been accompanied by a completed Sustainable Construction Checklist and a

Sustainability and Energy Statement which states that the sustainability approach follows the Energy Hierarchy as set out in the London Plan. Passive design measures have been incorporated including orientation and size of windows to maximise daylight but avoid overheating, double glazing, insulation. As well as energy efficient heating systems, alongside renewable energy generation through PV panels, although it is noted that these have not been shown on the submitted plans. Had the application been considered acceptable, revised drawings would have been requested.

The report confirms that the proposal would achieve a site wide 68.41% saving in CO2 emissions over Part L 2021. This would be through the use of ASHPs and PV panels. The SCC also confirms that the proposal would achieve the water conservation levels required. As such, the proposal is considered to satisfy policy LP22 in this regard.

The statement also considers the potential for other renewable energy options including wind turbines and Combined Heat and Power and ground source heat pumps, however discounts them for reasons including capital expense, return on investment, air quality and visual impact. This reasoning is accepted.

The submitted Sustainability and Energy Statement states that the non-residential element is 107sqm and is not of sufficient scale to warrant a BREEAM assessment. It considers that the cost of the assessment for a development of this scale would outweigh any benefits. The proposal therefore fails to comply with the requirements of policy LP22 in this regard, which requires new non-residential buildings over 100sqm to meet BREEAM 'Excellent' standard. The supporting text advises that where the proposal only relates to minor internal re-modelling work, and therefore cannot be assessed under BREEAM, written confirmation will have to be provided as part of the planning application by an accredited assessor. This is not the case in this instance.

As such, in the absence of a BREEAM assessment, the scheme is considered to be contrary to policies LP20 and 22 of Local Plan (2018), policies 3, 4 and 6 of the emerging Local Plan.

Issue vii – Waste Management

Local Plan policy LP24, and emerging policy 7, relates to waste management and requires all developments to provide adequate refuse and recycling storage space and facilities, which allows for ease of collection and which residents and occupiers can easily access.

Each of the three houses is provided with individual bin stores, as is the commercial unit. There are two bin stores to the front of the residential block serving the five apartments.

The Councils Waste SPD states that occupants of developments should not have to walk more than 30 metres (excluding any vertical distance in lifts) from their front doors to the nearest refuse and recycling containers to deposit waste. It also states that in mixed developments, household and commercial solid waste must be stored and kept separate at all times. Commercial premises should not have access to residential waste facilities or vice versa and commercial waste must be adequately prevented from entering the residential waste stream. The SPD also states that bin store doors must not open outwards over a public highway or road.

All of the bin locations look to be in a satisfactory position for waste collection, and separate stores for residential and commercial waste is in line with the requirements of the SPD.

The SPD standards for developments with five or more flats are required to provide at least 30 litres per household, plus 70L per bedroom for general refuse, 110L for recycling per household, and 23L per household for food waste recycling. The residential part of the development comprising the block of flats would therefore require 640L for refuse, 550L for recycling and 115L for food waste.

The 3 bed houses would require 240L of general waste, 2 x 55L recycling boxes and 1 x 23L food waste box. The 4 bed house would require 310L of general waste, 2 x 55L recycling boxes and 1 x 23L food waste box.

The proposed commercial unit would require a minimum of 535L of general waste storage, plus additional storage of at least on stream of appropriate recycling.

Whilst indicative waste storage locations have been provided, detail is missing on the number of bins that each area can hold and officers are therefore unable to assess acceptability of the proposed stores.

As such, in the absence of information relating to the capacity of the proposed refuse stores the proposal fails to comply with policy LP24 of the Local Plan, policy 7 of the emerging local plan and the Councils Refuse SPD.

Issue viii - Transport

Local Plan Policy LP45 states that The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land.

Vehicular access to the 3 houses will be via the existing crossover onto Grosvenor Avenue to the north of the proposed development. Access to the 3 commercial parking spaces is from Fitzgerald Avenue using the existing crossover.

The application site is located within an area with a PTAL of 2, meaning access to public transport is relatively poor, and is located within Controlled Parking Zone B2 which is operational between the hours of 10.00 and 12.00, Monday to Friday. Given the limited hours of operation, the CPZs currently allow residents to drive to and from work and park overnight.

Having regard to the London Plan which outlines the parking standards required for development, in Outer London areas with PTAL scores of 2-3, units with 1-2 bedrooms should provide up to 0.75 spaces per unit, and units with 3+ bedrooms should provide up to 1 spaces per unit.

The proposed commercial space is to fall within Class E, which provides for a number of uses. The submitted Transport Statement has assessed the parking provision against the more stringent standards for office units, which allows a maximum of up to 1 space per 100sqm. The maximum retail parking standards stated within the London Plan are up to 1 space per 75sqm. Where no standard is provided, the level of parking should be determined on a case by case basis.

Based on these standards, the proposed development of 8 units could provide a maximum of 6.75 car parking spaces for the residential units proposed, and up to 2 spaces for the commercial unit, using the more stringent office standards as outlined within the submitted transport statement.

The scheme proposes a total of 6 spaces, 3 spaces for the proposed residential units and 3 for the commercial unit. The proposal therefore complies with development plan policy for the residential units given it falls below the maximum provision and mitigation against overspill car parking could be secured through a restriction on car parking permits, however it constitutes an over provision of 1 space for the commercial unit.

As explained in para 10.6.1 of the London Plan: *To manage London's road network and ensure that people and businesses can move about the city as the population grows and housing delivery increases significantly, new parking provision must be carefully controlled. The dominance of vehicles on streets is a significant barrier to walking and cycling, reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services. Reduced parking provision can facilitate higher density development and support the creation of mixed and vibrant places that are designed for people rather than vehicles. As the population grows, a fixed road network cannot absorb the additional cars that would result from a continuation of current levels of car ownership and use. Implementing the parking standards in this Plan is therefore an essential measure to support the delivery of new housing*

across the city.

The applicant has provided the results of a parking survey completed on Tuesday 12th March 2024 at 05:05 and Wednesday 13th March 2024 at 05:00. The results demonstrate that roads and streets within 200m walking distance of the site are at 86% of on-street parking capacity on average. This is 1% above what the London Borough of Richmond Officers consider a safe level of stress at 85%, as set out in the Borough's Parking Survey Methodology Guidance and any overspill from the proposed development would add to this stress. However, this in itself does not provide justification for overprovision of parking to serve the commercial unit, given no information has been provided as to the likely parking needs arising from the proposed development.

In relation to cycle parking, London plan policy T5 requires long stay cycle parking for offices at a level of 1 space per 75sqm for long staff. The London Plan requires 1 space for short stay for the first 5000sqm. For retail uses, cycle parking is required at a level of 1 space per 175 - 250 sqm (depending on type of retail) making a requirement of 1 space for staff. The London Plan requires 1 space per 20sqm for short stay food retail and 1 space per 60 sqm for short stay non-food retail. This requires between 2 and 6 short stay spaces. Given the more flexible nature of Class E, the end use is not specified at this stage. Policy T5 of the London Plan states that where the use class of a development is not fixed at the point of application, the highest potential applicable cycle parking standard should be applied.

For the residential units, London parking standards require long stay parking to provide for 1.5 spaces per 1B2P dwelling and 2 spaces per all other dwellings. 2 spaces are required for short stay parking. A minimum of 15 long stay spaces and 2 short stay spaces are therefore required.

London parking standards require long stay parking to provide for 1.5 spaces per 1B2P dwelling and 2 spaces per all other dwellings. 2 spaces are required for short stay parking.

Cycle storage for the residential development will be provided at the front of the dwellings in secure cycle storage. Cycle storage for the apartments will be provided within the entrance hall to the apartments and cycle storage for the commercial unit will be provided adjacent to the site. However no information relating to the capacity of these stores has been provided and officers are therefore unable to ascertain compliance with the policy requirements.

In relation to construction, an outline Construction Management Plan has been submitted. Had the proposal been considered acceptable, a detailed CMP would have been secured by way of condition.

Having regard to the above, in the absence of satisfactory information relating to likely vehicular parking demand from the proposed Class E development and the number of car parking spaces provided for such, and absence of satisfactory information relating to adequate cycle storage provision, the scheme would fail to encourage the use of sustainable transport modes, and therefore fail to comply with the aims and objectives of policies, in particular, policies LP 44 and LP45 of the Local Plan (2018), policies 47 and 48 of the Emerging Local Plan, and policies T5 and T6 of the London Plan.

Issue ix – Trees and Ecology

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough.

The application site is not located within a Conservation Area, nor are there any recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal. However, observations from a site visit and the submitted plans demonstrate that there are off-site trees present in proximity to the development that could be impacted by construction activities and or may act as a constraint upon the proposal. Additionally, construction activities linked to the proposal could irreparably damage roots, rendering nearby and/or neighbouring trees unstable and susceptible to failure.

A letter has been provided from Quaife Woodlands highlighting the presence of two off-site trees. The

street tree outside 13 Fitzgerald Avenue is of sufficient distance away that it will not be affected by direct construction activities and had the scheme been otherwise acceptable, could have been protected through a safeguarding condition for an AMS.

The horse chestnut to the rear of the site has its RPA impacted by the existing built form on the site which will be cleared and the land within the RPA restored to garden. There is no new additional built form from the dwellings impacting this tree although provision of suitable boundary treatments would be needed in the RPA. Having regard to the existing position on site, it is considered that protection for this tree could have reasonably been sought by condition for a detailed AMS to comply with policy LP16 of the Local Plan and policy 42 of the emerging Local Plan.

The existing site is largely hard landscaped and as such, offers little contribution to biodiversity, and the proposal offers an opportunity for enhancement in this regard.

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application which documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, and subsequently provides an appraisal of the likely ecological effects of the proposals. Where necessary, mitigation and compensation measures have been recommended to safeguard any significant ecological interest.

The site itself is not subject to any statutory or non-statutory nature conservation designations. Five nationally important statutory designated sites, including Barn Elms Wetland Centre (SSSI), Richmond Park (SSSI), Richmond Park (National Nature Reserve, NNR), Barnes Common (Local Nature Reserve, LNR), Duke's Hollow (LNR) and Leg of Mutton Reservoir (LNR), are located within 2km of the site. The nearest non-statutory designated site is Barnes Green Pond located 512m northeast. The PEA considers that it is unlikely that the proposal will have any direct impacts on these sites, owing to the separation distances and the scale of the proposed development.

The PEA presents the findings of a habitat survey which was carried out on the 9th August 2023 as follows:

Habitats – The vast majority of the site not covered by buildings is a sealed surface, species poor hedgerow can be found at the entrance to the site, either side of the driveway, which is made up almost exclusively of privet. The PEA concludes that the site does not contain habitats suitable to support legally protected species and therefore, they have been scoped out of the report.

Buddleja is an invasive non-native species on the London Invasive Species Index. The PEA recommends that should this species be removed, guidance should be followed to prevent the spread of this species beyond the Site boundary.

Bats – Bats and their roosts receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and under the Wildlife and Countryside Act 1981 (as amended). A Preliminary Roost Assessment was carried out for the existing buildings, and consisted of an external inspection of all features/surfaces of the buildings, and an internal inspection where access allowed. This showed that none of the buildings/structures on site had any potential roost features present, and concluded that the site had negligible suitability for roosting bats. As such, no further surveys are required. The survey validity period is 12- 18 months following the survey, after which, an updated survey may be required.

One offsite horse chestnut tree was identified during the PEA, however due to access constraints, an assessment was not able to be made. As such, the PEA recommends that the tree is protected from disturbance and damage during works. The PEA concluded that the site had negligible to low potential for foraging and commuting bats, and therefore recommended that works should be scheduled during the day and lighting of the site should be kept to a minimum.

Birds – The PEA considers that there is negligible to low likelihood of presence of nesting birds on site.

However, to mitigate any potential impact, recommends that any building demolition works and vegetation clearance required as part of the works should be undertaken during the period September to February to avoid the bird nesting season. If this is not possible, prior to works commencing on site a check for nesting birds should be undertaken by a suitably experienced ecologist up to three days prior to building demolition / vegetation clearance taking place.

The PEA outlines potential enhancement opportunities for the site, including adding features such as including wildlife planting and provision of bird, swift bricks or house sparrow terraces. Had the scheme been considered acceptable, a scheme to secure ecological enhancements would have been secured by condition.

The Councils Ecologist has reviewed the submitted information and raises no objection subject to the inclusion of conditions.

Issue x - Biodiversity

Biodiversity net gain became mandatory for minor developments on applications made from 2nd April 2024. This application is exempt from mandatory biodiversity net gain on the grounds that:

- X The application was made before 2nd April 2024
- The development impacts habitat of an area below a 'de minimis' threshold of 25m² or 5m of linear habitat such as hedgerows, and does not impact an onsite priority habitat
- The development is for a small scale self-build or custom house building

Issue xi – Pollution

Noise pollution

The NPPF requires development to be appropriate for its location considering the likely effects, and in doing so should minimise the potential adverse impacts arising from noise, (para. 185). London Plan policy D13 places the responsibility for mitigating the impacts from existing noise and other nuisance generating activities or used on the proposed new noise sensitive development (under the Agent of Change principle). Policies D13 and 14 of the London Plan and LP10 of the Local Plan encourage good acoustic design and will require noise assessments to assess the impact and details of mitigation (where necessary). Policy LP8 seeks to ensure development do not harm the reasonable enjoyment of the use of buildings and gardens due to noise.

The application site is largely surrounded by residential properties. These receptors, along with the proposed residential units within the development, are considered to have high sensitivity. The submitted Energy and Sustainability Statement confirms that the proposed dwellings are to be served by Air Source Heat Pumps (ASHPs) however these have not been shown on the submitted plans. Notwithstanding this, given the residential nature of the surrounding area, they are likely to be in close proximity to both existing and future residential properties.

Policy LP10 of the Local Plan and policy 53 of the Publication Local Plan expressly require a noise assessment of any new plant and it's impact upon both receptors and the general background noise levels. In the absence of a Noise Impact Assessment, the Local Planning Authority has not been able to assess the likely impact of the proposed ASHPS on the residential amenity of nearby occupants. As such, the proposal fails to comply with the aims and objective of, in particular, policy LP8 and LP10 of the Local Plan, policies 46 and 53 of the Publication Local Plan and the Development Control for Noise Generating and Noise Sensitive Development SPD (2018).

Contaminated Land

Potential contamination risks need to be properly considered and adequately mitigated before development proceeds. Policy LP10 of the Local Plan, and policy 53 of the emerging local plan,

promotes, where necessary, the remediation of contaminated land where development comes forward.

Given the nature of the previous industrial land use of the site, it is possible that there may be potential contamination present on site. As such, a Preliminary Ground Contamination Risk Assessment Report has been submitted in support of the application. The report identified potential pollutant linkages relating to proposed end users of the site and controlled waters associated with the historical use of the site as a vehicle repair garage, as well as the suspected presence of underground fuel storage tanks and the presence of above ground waste oil tanks. The report recommended that an intrusive ground investigation be undertaken to allow a quantitative assessment to be made of the risks posed to end users and controlled waters.

The Councils Environmental Health officer has reviewed the submitted information and raises no objection subject to the inclusion of conditions securing an intrusive ground investigation, remediation method statement and verification report.

Issue xii - Flood Risk

Paragraph 165 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 173 requires LPA to ensure flood risk is not increased elsewhere. It is noted that the NPPG advice relating to Flood Risk & Climate Change was updated during August last year. It places renewed emphasis on flooding from all sources – not just fluvial and surface water – and emphasises the need to consider future sources and risk of flooding.

Local Plan policy LP21 requires all developments to avoid, or minimise, contributing to all sources of flooding taking account of climate change. The policy also stipulates that Sustainable Drainage Systems (SuDS) will be incorporated into all development proposals, to achieve greenfield runoff rates or at least 50% attenuation of the sites surface water runoff based on levels existing prior to the development.

The application site is located within flood zone 1, however it is also located within an area susceptible to both surface water and groundwater flooding, as well as within a critical drainage area and an area with increased potential for elevated groundwater. The residential element of the proposed development is classified as 'more vulnerable development'.

A Flood Risk Assessment & Development Drainage Strategy has therefore been submitted as part of the application.

The NPPG describes the decision-making process when assessing flood risk, which includes:

- Assess – for example, from the SFRA and FRA.
- Avoid – sequential test, change site layout to locate most vulnerable in areas of lowest risk; raise floor / ground levels.
- Control – incorporate measures to control risk of flooding.
- Mitigate – flood resistant / resilience; passive measures prioritised over active measures.
- Manage residual risk – flood warning/emergency plans etc.

The FRA considers all forms of flooding:

- Tidal – no sources within the vicinity of the site
- Fluvial - In flood zone 1 (low probability) and therefore defined as having less than a 1 in 1000 annual probability of river flooding.
- Surface water – EA mapping indicates low risk of flooding (1:1000). The FRA considers that this will be mitigated through the reduction in impermeable surfacing and the implementation of a robust SuDS scheme.
- Groundwater – the area is at 75% risk of groundwater flooding. The scheme does not propose any basement levels and will not increase overall risk from groundwater.
- Drains/sewers - – No known flooding issues from drains/sewers and Thames water have provided confirmation of sufficient capacity.

- Artificial sources - There are no additional artificial sources of flooding, such as that from canals, reservoirs and sewage treatment works within a 1 km radius of the site.

As part of the 'avoiding' consideration, the Councils 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. As outlined above, the proposal is considered to be at low risk of surface water flooding, and by virtue of proposing no subterranean development, is not considered to be at risk of groundwater flooding. The sequential and exceptions tests are therefore not required in this instance.

LP21C states that The Council will require the use of Sustainable Drainage Systems (SuDS) in all development proposals. The proposed suds strategy follows the London plan drainage hierarchy as follows:

1. Rainwater used as a resource – green roof,s rainwater harvesting and water butts to be used where feasible
2. Rainwater infiltration to ground – infiltration of surface water may be feasible however further investigative works would need to be carried out to confirm.
3. Rainwater attenuation – use of permeable surface/gardens where surface water can drain naturally, runoff from impermeable areas to be attenuated within the site
4. Rainwater discharge direct to a watercourse – there are no watercourses in the immediate vicinity of the site.
5. Controlled rainwater discharge to a surface water sewer or drain – it is understood that current surface water management from the site connects to the public sewer system, this connection could be continued at a controlled rate.
6. Controlled rainwater discharge to a combined sewer.

The applicant has proposed permeable paving, attenuation tanks, and flow control devices to be the primary drainage features on site. The drainage strategy mentions that rain water planters, water butts, and green roofs are to be considered in the drainage design, however these have not been detailed on the plan. Had the proposal been considered acceptable, a final detailed drainage design would have been secured by condition.

The LLFA have been consulted on the proposal and note that the applicant is proposing a runoff rate of 4.5 l/s. Developments are required to meet the greenfield runoff rate, or where this is not possible, a maximum of 2 l/s.

The submitted SuDS statement states that to restrict runoff to greenfield runoff rates would result in excessively large onsite attenuation and require small control orifices, increasing the risk of long term maintenance and blockages. The proposals achieve a 50% betterment over existing conditions which the applicant considers complies with the policy requirement. However, London Plan Policy SI 13 Sustainable Drainage states "*Development proposals should aim to get as close to greenfield run-off rates as possible depending on site conditions.*" The justification provided by the applicant is not considered sufficient to deviate from the required runoff rates, particularly given the use of flow control devices such as a hydrobrake reduces the risk of blockages at low flow rates. Additional justification is therefore required as to why greenfield runoff cannot be achieved, and why further attenuation cannot be achieved on site.

As such, given the susceptibility of the site for surface water flooding, and in the absence of a satisfactory SuDS, the proposed development has failed to demonstrate that it would not exacerbate flood risk on site and would fail to comply with the aims and objectives of policy LP21 of the Local Plan, policy 8 of the emerging local plan and the SFRA.

Issue xii – Fire Safety

Policy D12 of the London Plan requires all development proposals to achieve the highest standards of fire safety.

A Fire Safety Strategy Report has been submitted as part of the application. The report includes detail on means of warning and escape, internal and external fire spread, as well as access and facilities for the fire service. The submission of this document therefore satisfies the requirement of Policy D12.

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

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

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

Mayoral Community Infrastructure Levy (CIL)

The estimated amount of Mayoral CIL for this development is £59,038.84 in accordance with the Mayor's CIL 2 Charging Schedule (MCIL2) that took effect on 1st 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 £228,599.03. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

Community Infrastructure Levy (CIL) estimate	
Mayoral CIL	£59,038.84
Borough CIL	£228,599.03.

Please note that lawful use credit has been included in the above calculation, however if the application is granted in the future this will be re-assessed. If the premises is then found not to be in lawful use, the CIL charge will be likely to increase significantly.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2021) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

Loss of Employment Land

The scheme, by reason of the loss of existing employment floorspace and in the absence of robust and

compelling evidence that clearly demonstrates that there is no longer a demand for an employment generating use in this location and that there is not likely to be in the foreseeable future, or a sequentially preferable use, would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal therefore fails to comply with Policy E2, E4, and E7 of the London Plan, Policies LP40 and LP42 of the Local Plan (2018) and policies 22 and 24 of the Publication Local Plan as supported by the Greater London Authority (GLA) Industrial Land Supply Study (2023), the Employment Land and Premises Needs Assessment (December 2021) and Employment Land and Premises Needs Assessment Update (April 2023).

Redevelopment

In the absence of justification to demonstrate that the existing development is incapable of improvement or conversion to a satisfactory standard and absence of demonstrable benefits, the scheme has failed to demonstrate that the replacement of the existing dwelling would bring benefits above that possible from retaining and refurbishing the existing property, contrary to, in particular, policies LP20, LP22 and LP38 of the Local Plan (2018) and policies 2, 3, 4, 7, 14 and 28 of the Publication Local Plan.

Design

The proposed development, by reason of its bulk, massing and design, in combination with its proximity to site boundaries would result in an overly dominant and incongruous form of development causing harm to the street scene and immediate locality. The proposal consequently fails to comply with Policies LP1 and LP39 of the Local Plan (2018), policies 28 and 15 of the emerging local plan and the Design Quality SPD and Small and Medium Housing Sites SPD.

Neighbour Amenity

The scheme, by reason of its proposed siting, height, bulk and proximity to boundaries would constitute an unneighbourly, visually intrusive and overbearing form of development which would adversely impact on the residential amenities enjoyed by the occupants of neighbouring properties, in particular No. 26 Buxton Avenue. The proposed development, by reason of upper floor windows offering direct views in close proximity to primary amenity spaces serving adjacent properties, will result in overlooking and a loss of privacy into neighbouring sites, in particular No. 26 Buxton Avenue and No. 13 Fitzgerald Avenue. Additionally, in the absence of information including a satisfactory acoustic assessment, the applicant has failed to demonstrate that the proposed Air Source Heat Pumps will not have a detrimental and unacceptable impact on the amenities of neighbouring properties in terms of noise. The proposed development would therefore fail to comply with the NPPF and Local Plan, in particular Policy LP8 and LP10 of the Local Plan (2018), policy 46 and 53 of the Publication Local Plan as well as the Councils Noise generating and noise sensitive developments SPD and Residential Development Standards SPD.

Affordable Housing

In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, or verification of evidence to demonstrate that a contribution is not viable, the scheme fails to address the recognised housing need and will be contrary to, in particular, to Local Plan Policy LP36, Publication Local Plan Policy 11, Supplementary Planning Document on Affordable Housing (2014) and the National Planning Policy Framework.

Sustainability

In the absence of a satisfactory completed BREEAM Pre-assessment, the scheme fails to demonstrate that it will achieve the highest standards of sustainable design and construction to mitigate the effects of climate change, or otherwise justify a lesser standard, and thereby fails to comply with the aims and objectives of policies, in particular, policies LP20 and 22 of Local Plan (2018), policies 3, 4 and 6 of the Publication (Reg 19) Local Plan and Supplementary Planning Document 'Sustainable Construction Checklist'.

Waste

In the absence of information relating to the capacity of the proposed refuse stores the proposal fails to demonstrate that it can provide satisfactory refuse storage arrangements for the proposed development and the proposal is therefore considered to be contrary to policy LP24 of the Local Plan, policy 7 of the

emerging local plan and the Councils Refuse SPD.

Parking

By reason of the quantum of parking provided for the Class E unit and in the absence of satisfactory information relating to likely vehicular parking demand from the proposed development and adequate cycle storage provision, the application fails to deliver a sustainable form of development, would impede the free flow of traffic to the detriment of highways safety, other road users and pedestrians, and would not align with the Council's policies promoting the use of active and sustainable travel. As such, the application fails to comply with Policies LP44 and LP45 of the Local Plan (2018), Policies 47 and 48 of the new Publication Local Plan, policies T5 and T6 of the London Plan and the Council's Transport SPD (June 2020).

SuDS

In the absence of a satisfactory SuDS, the proposed development has failed to demonstrate that it would minimise flooding from surface water and would fail to comply with the aims and objectives of policy LP21 of the Local Plan, policy SI13 of the London Plan and policy 8 of the Publication Local Plan, as supported by the Strategic Flood Risk Assessment.

Recommendation:

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

I therefore recommend the following:

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

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

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

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):GE..... Dated:12/08/2024.....

I agree the recommendation:

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

South Area Team Manager:ND.....

Dated:13.08.2024.....