

# PLANNING REPORT

# **Application reference: 24/1725/VRC** FULWELL AND HAMPTON HILL WARD

Date application received	Date made valid	Target report date	8 Week date
08.07.2024	08.07.2024	02.09.2024	02.09.2024

#### Site:

3 - 4 New Broadway, Hampton Hill,

### Proposal:

Variation of planning approval 23/1819/FUL dated 18 September 2023 to conditions U0165004 (Approved Drawings and Documents) and DV50A (Energy Reduction). Changes comprise construction of mansard roof and assessment of Carbon dioxide emissions from 35% of 2013 building regulations to 10% of 2021 building regulation requirements' as required by London Plan policy SI2.

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

#### **APPLICANT NAME**

Mr C Dolan 3-4 New Broadway Hampton Hill Richmond Upon Thames **TW12 1JG** 

**AGENT NAME** 

Mr Kieran Rafferty 183 Seafield Road Bournemouth BH6 5LJ United Kingdom

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

**Consultations:** Internal/External:

Consultee **Expiry Date** 

## Neighbours:

Flat 5.Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT. - 17.07.2024 Flat 4, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024

Flat 3, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024 Flat 2, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024

Flat 1, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024

6A New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

6 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

5A New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

5 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

4 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

4A New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

3 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

2A New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

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2 Falstaff Mews, Hampton Hill, TW12 1LY, - 17.07.2024

1 Falstaff Mews, Hampton Hill, TW12 1LY, - 17.07.2024

3 Falstaff Mews, Hampton Hill, TW12 1LY, - 17.07.2024

118A - 118B High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024

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2 Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
4 Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
1 Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
3 Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
3A Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
1 The Parade, Hampton Hill, Hampton, TW12 1JW, - 17.07.2024
2 The Parade, Hampton Hill, Hampton, TW12 1JW, - 17.07.2024
3 The Parade, Hampton Hill, Hampton, TW12 1JW, - 17.07.2024
1 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024
118A High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024
29 DONNINGTON ROAD, WORCESTER PARK, KT4 8EL - 17.07.2024
77 - 79A High Street, Hampton Hill, - 17.07.2024
5 Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
FLAT 12,16 BINA GARDENS, LONDON, SW5 0LA - 17.07.2024
Flat 2,85 Connaught Road, Teddington, TW11 0QQ, - 17.07.2024
5 Howard Close, Hampton, TW12 2UB, - 17.07.2024
12 BROADMEAD, ASHTEAD, KT21 1RT - 17.07.2024
5 New Broadway, Hampton, TW121JG - 17.07.2024
2A,2 New Broadway, Hampton, TW121JG - 17.07.2024
4 Falstaff Mews, Hampton Hill, Hampton, TW12 1LY, - 17.07.2024
Flat 6, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024
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118A High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024
4 Falstaff Mews, Hampton Hill, Hampton, TW12 1LY, - 17.07.2024
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Flat 2,85 Connaught Road, Teddington, London, TW11 0QQ - 17.07.2024
17 Church Street, Hampton, TW12 2EB, - 17.07.2024
4 Falstaff Mews, Hampton Hill, Hampton, TW12 1LY, - 17.07.2024
Flat 6, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024
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3 Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
85 Connaught Road, London, TW11 0QQ - 17.07.2024
FLAT 51, BUICK HOUSE 144, LONDON ROAD, KINGSTON UPON THAMES, KT2 6QS - 17.07.2024
3A Grove Hill Villas, Hampton Road, Hampton Hill, Hampton, TW12 1JN, - 17.07.2024
1 The Parade, Hampton Hill, Hampton, TW12 1JW, - 17.07.2024
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FLAT 3,56 HOGARTH ROAD, LONDON, SW5 0PX - 17.07.2024
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2 New Broadway, Hampton Hill, Hampton, TW12 1JG, - 17.07.2024

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Flat 6, Prince House, 116 High Street, Hampton Hill, Hampton, TW12 1NT, - 17.07.2024

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

**Development Management** 

Status: GTD Application:77/0170

Date:27/04/1977 Use of ground floor only for professional office use.

**Development Management** 

Status: GTD Application:69/0172

Date:03/03/1969 Erection of single storey extension to form Sauna bath.

**Development Management** 

Status: ARPR Application:21/1726/GPD13

Date:20/07/2021 Conversion of A1 units to 2 x 1 bed apartments.

**Development Management** 

Status: GTD

Application:24/0568/VRC Date:24/06/2024 Variation of condition U0165004 - Approved Drawings and

> Documents, of planning permission 23/1819/FUL - the condition to be varied to add additional plans to showing how the different phases

can be constructed.

**Development Management** 

Status: PCO Date:

Application:24/1725/VRC

Variation of planning approval 23/1819/FUL dated 18 September 2023 to conditions U0165004 (Approved Drawings and Documents) and DV50A (Energy Reduction). Changes comprise construction of mansard roof and assessment of Carbon dioxide emissions from 35% of 2013 building regulations to 10% of 2021 building regulation

requirements' as required by London Plan policy SI2.

**Development Management** 

Status: GTD Date:28/09/2018 Application:18/1948/FUL

Single-storey ground floor rear extensions (additional A1 (Retail floorspace)), new patio and boundary fence to rear of existing ground

floor retail units.

**Development Management** 

Status: GTD

Date:06/08/2020

Application: 19/3704/FUL

Part single, part two-storey rear extension to allow the expansion of both ground floor retail / commercial units and the sub-division of the existing 3 bedroom first floor flat to form 2No. 1-bedroom flats and the construction of a mansard style roof extension to provide a further 2No. 1 bedroom flats at second floor level. Re-siting of existing front

doors at ground floor level of the residential units.

**Development Management** 

Status: GTD Date:22/10/2020

Application:20/2395/VRC

Removal of condition no. 5 - U0081727 - Parking Permits Restriction

GRAMPIAN - Application Reference Number: 19/3704/FUL

**Development Management** 

Status: REF Date:11/02/2021 Application:20/3390/VRC

Variation of condition U0085786 (Approved Drawings) pursuant to planning permission 19/3704/FUL to allow inclusion of roof terraces to first and second floor flats and new rooflights to kitchen/living areas of

second floor flats.

**Development Management** 

Status: REF

Application:21/0724/VRC

Date:22/04/2021 Variation of condition U0089284 (Approved Drawings) of planning

	permission 20/2395/VRC to provide roof terraces and roof lights.		
Development Management	· · · · · · · · · · · · · · · · · · ·		
Status: ARPR	Application:21/1726/GPD13		
Date:20/07/2021	Conversion of A1 units to 2 x 1 bed apartments.		
Development Management	- T		
Status: AAPR	Application:21/2665/GPD13		
Date:16/09/2021	Proposed change of use from A1 (retail) units to 2No. 1 bed		
	apartments C3 (residential) Use Class		
Development Management			
Status: REF	Application:21/3862/FUL		
Date:22/03/2022	Demolition of existing garage and construction of single storey rear		
	extensions to accommodate two new (1B1P) self-contained		
	dwellings.		
Development Management	A . II . II . OO (400 T / T   II		
Status: REF	Application:22/1325/FUL		
Date:18/10/2022	Ground floor conversion from commercial to two 1B1P self-contained		
	dwellings. Single storey rear extension to accommodate one new		
	2B4P self-contained dwelling.		
Development Management	A 1' 1' 00/0005/DD04		
Status: GTD	Application:20/2395/DD01		
Date:10/03/2023	Details pursuant to condition U0089291 - Drainage, of planning		
-	permission 20/2395/VRC.		
Development Management	A 1' 1' 00/0005/DD00		
Status: GTD	Application:20/2395/DD02		
Date:03/02/2023	Details pursuant to condition U0089286 - construction management		
	statement of planning permission 20/2395/VRC.		
Development Management	A   ' (' 00/0000/ELII		
Status: GTD	Application:22/3328/FUL		
Date:07/03/2023	Ground floor conversion from commercial to two 1B1P self-contained		
	dwellings. Single storey rear extension to accommodate one new		
D. dans at Manager	2B4P self-contained dwelling.		
Development Management	Anniination.00/0007/\/IDO		
Status: WDN	Application:23/0697/VRC		
Date:14/06/2023	Variation of condition U0089284 Approved Drawings, of planning		
	permission 20/2395/VRC to allow the following: Alterations to the		
	front elevation (including new entrance and shop front) as well as the		
	rear ground floor elevation to reconcile with approval 22/3328/FUL. A		
	single central staircase to the upper floor dwellings (in lieu of two separate access stairs) to coordinate with approval 22/3328/FUL.		
	Moving the position of the approved bathrooms and cycle stores to		
	suit the above central stair. Note that the mix and dwelling types		
	remain unaltered and each flat has cycle storage as per approval.		
	Adjustment of the rear dormer position to suit the new central stair.		
Davidonment Managamant	Note that the dormer size remains as per the approval.		
<u>Development Management</u> Status: GTD	Application: 20/2305/DD02		
	Application:20/2395/DD03		
Date:10/08/2023	Details pursuant to condition U0089285 Materials (partial -		
	fenestration only) of planning permission 20/2395/ VRC of original		
Dovolopment Management	approval Ref. 19/3704/FUL.		
<u>Development Management</u> Status: GTD	Application:23/1819/FUL		
Date:18/09/2023	Ground floor conversion from commercial to two 1B1P self-contained		
Date. 10/03/2023	dwellings. Single storey rear extension to accommodate one new		
	2B4P self-contained dwelling. First floor extension to allow the sub-		
	division of the existing 3 bedroom first floor flat to form 2No. 1-		
	bedroom flats and the construction of a mansard style roof extension		
	to provide a further 2No. 1 bedroom flats at second floor level. Resiting of existing front doors at ground floor level of the residential		
	siting of existing front doors at ground floor level of the residential units.		
Development Management	unio.		
Development Management			

Status: REF Date:24/06/2024	Application:23/3065/VRC Variation of planning approval: 23/1819/FUL - Condition Number(s): U0165004 (Approved Drawings) to allow for an additional second floor rear mansard over first floor rear extension. To match approved mansard in height and appearance.
Development Management Status: GTD Date:24/06/2024	Application:24/0568/VRC Variation of condition U0165004 - Approved Drawings and Documents, of planning permission 23/1819/FUL - the condition to be varied to add additional plans to showing how the different phases can be constructed.
Development Management Status: AAPR Date:08/05/2024	Application:24/0710/GPD26 Proposed change of use from Class E units to 2No. 1 bed apartments C3 (residential) Use Class.
Development Management Status: REF Date:16/04/2024	Application:23/1819/NMA Amendment to condition DV50A of planning permision 23/1819/FUL to read: The new dwelling(s) hereby approved (Flats 3,6 and 7) shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).
<u>Development Management</u> Status: REF Date:15/05/2024	Application:23/1819/DD01 Details pursuant to condition DV18A - Refuse Arrangements, of planning permission 23/1819/FUL.
Development Management Status: GTD Date:21/05/2024	Application:23/1819/DD02 Details pursuan to condition DV49A Construction Management Plan, of planning permission 23/1819/FUL.
Development Management Status: GTD Date:30/05/2024	Application:23/1819/NMA1 Non-material amendment to planning permission ref: 23/1819/FUL dated 18.09.2023 to alter the wording of existing description of development to the following: Phase 1: Ground floor conversion from commercial to two 1B1P self-contained dwellings. Single storey rear extension to accommodate one new 2B4P self-contained dwelling. First floor extension to allow the sub-division of the existing 3 bedroom first floor flat to form 2No. 1-bedroom flats. Re-siting of existing front doors at ground floor level of the residential units. Phase 2: The construction of a mansard style roof extension to provide a further 2No. 1 bedroom flats at second floor level.
Development Management Status: AAPR Date:19/08/2024	Application:24/1563/GPD26 Proposed change of use from 2No. Class E units to 2No. 1 bed apartments C3 (residential) Use Class.
Development Management Status: PCO Date:	Application:24/1725/VRC Variation of planning approval 23/1819/FUL dated 18 September 2023 to conditions U0165004 (Approved Drawings and Documents) and DV50A (Energy Reduction). Changes comprise construction of mansard roof and assessment of Carbon dioxide emissions from 35% of 2013 building regulations to 10% of 2021 building regulation requirements' as required by London Plan policy SI2.
Building Control Deposit Date: 24.01.2013 Reference: 13/0136/BN	Installation of stair lift
Building Control Deposit Date: 08.06.2022  Reference: 22/1047/IN	Conversion of existing 2 commercial units and ground and first floor rear extension, entire 2nd floor extension to provide 7 flats
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# **Proposal**

This application is a resubmission, and identical to it, of the refusal reference: **23/3065/VRC**, which, as per Officer Report of this VRC application sought the following:

Variation of planning approval: **23/1819/FUL** - Condition Number: U0165004 (Approved Drawings and Documents) to allow for additional volume/extension to the approved second floor rear mansard over the approved first floor rear extension.

This would result in converting the approved Units 6 and 7 from 1B1P to 1B2P.

In addition to the above, this application also seeks to vary the condition reference: **DV50AEnergy Reduction** attached to the approval reference: **23/1819/FUL** to reduce the required 35% reduction in Carbon dioxide emissions to 10% in line with the London Plan (2021).

# Site description / key designations

The application site is occupied by Nos. 3-4 New Broadway in Teddington Village, Fulwell and Hampton Hill Ward, which are located on the southern side of this road. The properties are mid-terraced and two-storey in height. The immediate surrounding area is primarily of a mixed-use nature. The main access to the site is through New Broadway. The site is not within a Conservation Area nor is the property, or surrounding properties listed in anyway. The site is in a Critical Drainage Area and an Area Susceptible to Groundwater Flood.

# Relevant Planning History

**19/3704/FUL** - Part single, part two-storey rear extension to allow the expansion of both ground floor retail / commercial units and the subdivision of the existing 3-bedroom first floor flat to form 2No. 1-bedroom flats and the construction of a mansard style roof extension to provide a further 2No. 1-bedroom flats at second floor level. Resiting of existing front doors at ground floor level of the residential units - Granted 06/08/2020.

**20/2395/VRC** - Removal of condition no. 5 - U0081727 - Parking Permits Restriction - GRAMPIAN - Application Reference Number: 19/3704/FUL - Granted 22/10/2020.

**22/3328/FUL** - Ground floor conversion from commercial to two 1B1P self-contained dwellings. Single storey rear extension to accommodate one new 2B4P self-contained dwelling - Granted 07/03/2023.

**23/1819/FUL** - Ground floor conversion from commercial to two 1B1P self-contained dwellings. Single storey rear extension to accommodate one new 2B4P self-contained dwelling. First floor extension to allow the sub-division of the existing 3 bedroom first floor flat to form 2No. 1-bedroom flats and the construction of a mansard style roof extension to provide a further 2No. 1 bedroom flats at second floor level. Re-siting of existing front doors at ground floor level of the residential units - **Granted 18/09/2023**.

**23/3065/VRC** - Variation of planning approval: 23/1819/FUL - Condition Number(s): U0165004 (Approved Drawings) to allow for an additional second floor rear mansard over first floor rear extension.

To match approved mansard in height and appearance - Refused 24/06/2024.

#### **DETAILED REASONS**

#### U0183804 Refuse

The proposed roof addition by reason of increasing the number of occupiers as approved under the application reference: 23/1819/FUL and lack of addressing the planning condition DV18A - Refuse Arrangements of planning permission: 23/1819/FUL, to be satisfied in relation to the occupiers as approved under the application reference: 23/1819/FUL, as well as lack of information submitted under this application that the planning condition DV18A - Refuse Arrangements will be satisfied regardless of the number of residents, would result in overdeveloping the application site. This in turn would result in failing to provide suitable and sufficient arrangements for the storage and disposal of refuse/waste not allowing to safeguard the appearance of the properties and the amenities of the area. The proposal would therefore fail to comply with Policy LP 24 of the Local Plan (2018) and the SPD (2022) on REFUSE AND RECYCLING: STORAGE AND ACCESS RÉQUIREMENTS FOR NEW DEVELOPMENTS.

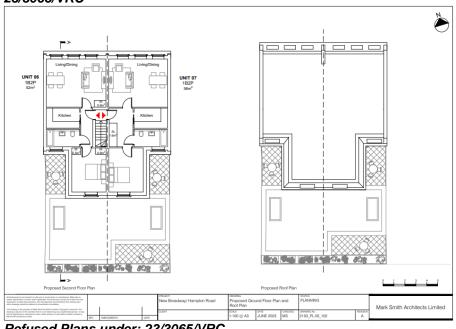
#### U0183806 **Amenity Space**

By virtue of a lack of sufficient, private, usable, functional, safe and easily accessible from living areas outdoor amenity space, the application would result in substandard in quality flats. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 35, and the Residential Development Standards SPD (2010) and Policy 13 of the emerging draft Local Plan (Regulation 19).

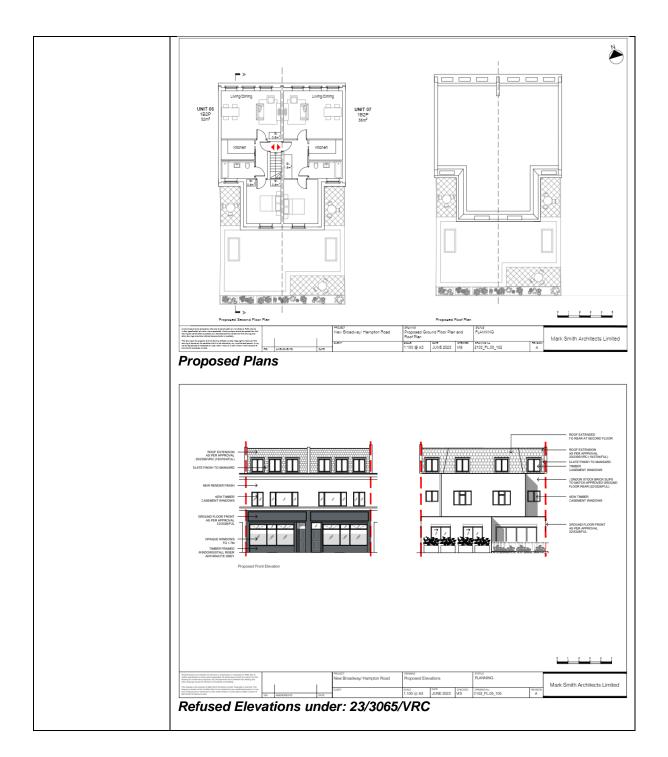
#### U0183805 **Cycle Parking**

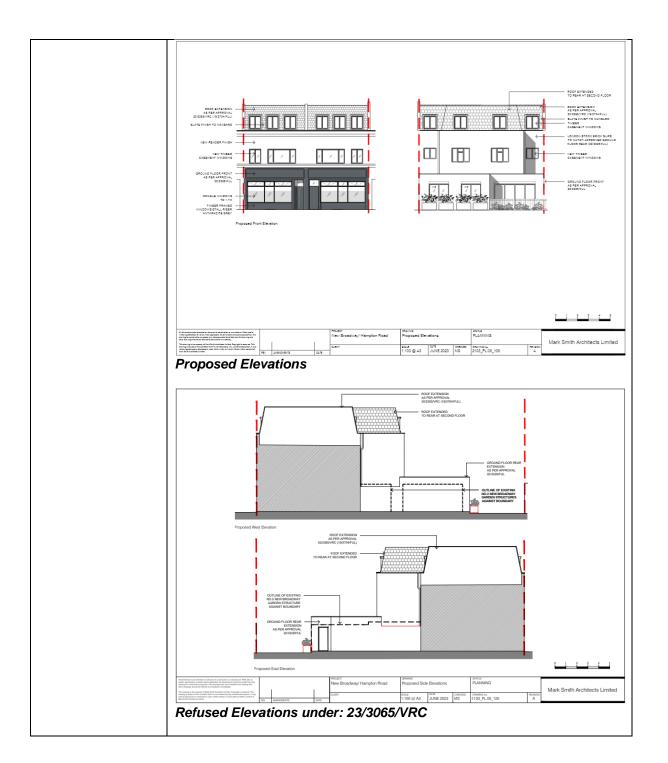
In failing to comply with the London Plan (2021) in terms of the number of cycling facility to be allocated for the units 6 and 7 for 1 Bedroom x 2 People, the proposal is considered to be against the Council's policy to discourage the use of the car wherever possible aiming to pursue sustainable development. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 44, and Policy 47 'Sustainable travel choices' of the emerging draft Local Plan (Regulation 19).

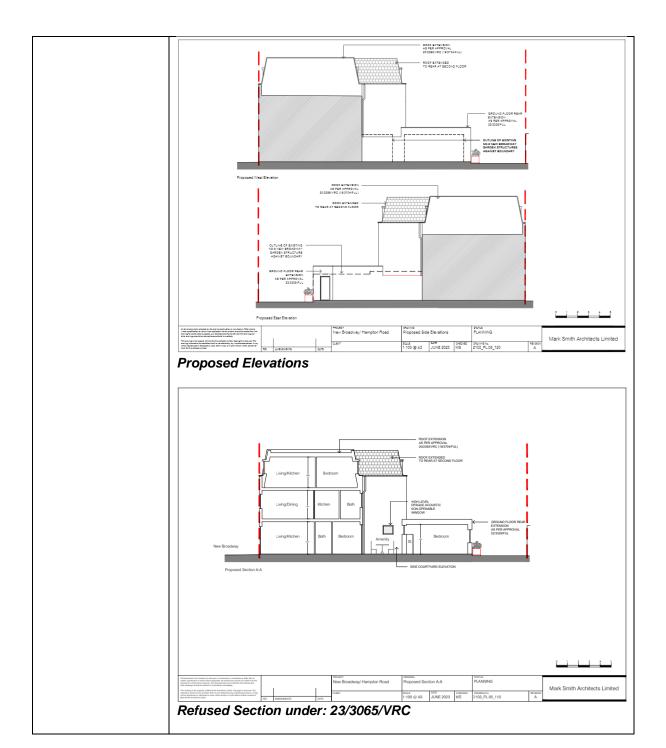
## Capture from the Decision Notice of the Refusal reference: 23/3065/VRC

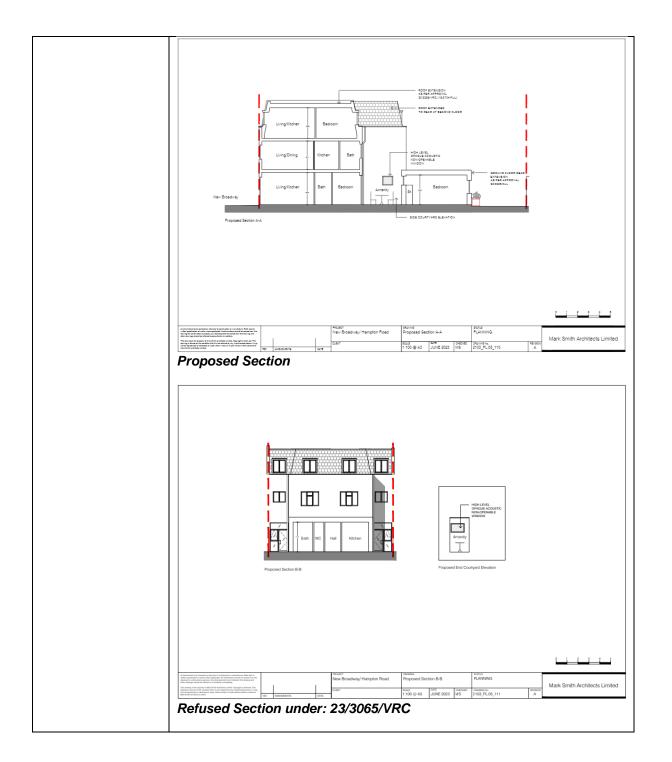


Refused Plans under: 23/3065/VRC











# **Proposed Section**

23/1819/NMA - Amendment to condition DV50A of planning permission 23/1819/FUL to read: The new dwelling(s) hereby approved (Flats 3,6 and 7) shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013) - Refused 16/04/2024.

# Reason for Refusal

The proposed amendments to the planning condition DV50A Energy Reduction attached to the approval reference: 22/3328/FUL are not considered to be non-material under the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended), as they will trigger the non-compliance of this approval with the adopted Local Plan (2018), a material planning consideration.

**23/1819/DD01** - Details pursuant to condition DV18A - Refuse Arrangements, of planning permission 23/1819/FUL - **Refused 15/05/2024**.

# Refusal

The proposed arrangements for the storage and disposal of refuse/waste, given the lack of information, the constraints of the site and insufficient storage capacity, would not allow the safeguarding of the appearance of the properties and the amenities of the area, failing to comply with Policy LP 24 of the Local Plan (2018) and the SPD (2022) on REFUSE AND RECYCLING: STORAGE AND ACCESS REQUIREMENTS FOR NEW DEVELOPMENTS.

**23/1819/DD03** - Details pursuant to condition DV18A - Refuse Arrangements - **Pending**.

Consultee/s	None.
Policies	The proposal has been considered having regard to the policies within the London Plan and the Council's Local Plan, in particular:

# London Plan (2021):

D12 Fire Safety

# Local Plan (2018):

- LP 1 Local Character and Design Quality
- LP 2 Building Heights
- LP 8 Amenity and Living Conditions
- LP 10 Local Environmental impact, Pollution and Land Contamination
- LP 20 Climate Change Adaptation
- LP 22 Sustainable Design and Construction
- LP 24 Waste Management
- LP 34 New Housing
- LP 35 Housing Mix and Standards
- LP 36 Affordable Housing
- LP 44 Sustainable Travel Choices
- LP 45 Parking Standards and Servicing

# **Supplementary Planning Documents:**

- Transport (2020)
- Hampton Hill Village Planning Guidance (2017)
- Design Quality (2006)
- House Extensions and External Alterations (2015)
- Small and Medium Housing Sites (2006)
- Shopfronts (2010)
   Residential Development Standards (2010) with Nationally
   Described Space Standard
- Planning Obligation (2020)
- Sustainable Construction Checklist (2020)
- Refuse And Recycling: Storage and Access Requirements for New Developments (2022)
- Affordable Housing (2014)

# Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course. The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.

The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied; in addition, no

weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement at this stage; all other aspects and requirements of these policies will apply.

In this regard, the following Polices are considered Material Planning Considerations in this instance:

- Policy 28 Local character and design quality
- Policy 45 Tall and Mid-Rise Building Zones
- Policy 46 Amenity and Living Conditions
- Policy 53 Local Environmental Impact
- Policy 4 Minimising Greenhouse Gas Emissions and Promoting Energy Efficiency
- Policy 6 Sustainable Construction Standards
- Policy 7 Waste and the Circular Economy
- Policy 10 New Housing
- Policy 13 Housing Mix and Standards
- Policy 11 Affordable Housing
- Policy 47 Sustainable Travel Choices
- Policy 48 Vehicular Parking Standards, Cycle Parking, Servicing and Construction Logistics Management

# Material representations

12 Broadmead Ashtead KT21 1RT objects to the scheme on the following grounds:

- Overdevelopment in relation to design.
- Overbearing.

This application is a resubmission, and identical to it, of the refusal reference: **23/3065/VRC**, which, as per Officer Report of this VRC application sought the following:

Variation of planning approval: **23/1819/FUL** - Condition Number: U0165004 (Approved Drawings and Documents) to allow for additional volume/extension to the approved second floor rear mansard over the approved first floor rear extension.

This would result in converting the approved Units 6 and 7 from 1B1P to 1B2P.

The application reference: **23/3065/VRC** has been refused for the following reasons:

#### **DETAILED REASONS**

#### U0183804 Refuse

The proposed roof addition by reason of increasing the number of occupiers as approved under the application reference: 23/1819/FUL and lack of addressing the planning condition DV18A - Refuse Arrangements of planning permission: 23/1819/FUL, to be satisfied in relation to the occupiers as approved under the application reference: 23/1819/FUL, as well as lack of information submitted under this application that the planning condition DV18A - Refuse Arrangements will be satisfied regardless of the number of residents, would result in overdeveloping the application site. This in turn would result in failing to provide suitable and sufficient arrangements for the storage and disposal of refuse/waste not allowing to safeguard the appearance of the properties and the amenities of the area. The proposal would therefore fail to comply with Policy LP 24 of the Local Plan (2018) and the SPD (2022) on REFUSE AND RECYCLING: STORAGE AND ACCESS REQUIREMENTS FOR NEW DEVELOPMENTS.

### U0183806 Amenity Space

By virtue of a lack of sufficient, private, usable, functional, safe and easily accessible from living areas outdoor amenity space, the application would result in substandard in quality flats. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 35, and the Residential Development Standards SPD (2010) and Policy 13 of the emerging draft Local Plan (Regulation 19).

## U0183805 Cycle Parking

In failing to comply with the London Plan (2021) in terms of the number of cycling facility to be allocated for the units 6 and 7 for 1 Bedroom x 2 People, the proposal is considered to be against the Council's policy to discourage the use of the car wherever possible aiming to pursue sustainable development. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 44, and Policy 47 'Sustainable travel choices' of the emerging draft Local Plan (Regulation 19).

# Capture from the Decision Notice of the Refusal reference: 23/3065/VRC

The above objections have already been discussed within the Officer Report of the application reference: **23/3065/VRC** available on our website (see the link below):

 $\underline{\text{https://images.richmond.gov.uk/iam/IAMCache/3850141/3850141.pd}}\underline{f}\:.$ 

In addition to this and in terms of the stated issued of overdevelopment in relation to design, it is noted that the additional roof extension at second floor level would be added on top of what has already been approved under the application reference:

**23/1819/FUL**, with the Officer Report of the refusal reference: **23/3065/VRC** stating that:

"it is noted that the proposed roof extension would not be visible from the street scene, and this extension would appear a continuum of the consented mansard roof (approved under the application reference: 23/1819/FUL) given its proposed scale, design and materiality.

This is therefore considered acceptable in terms of design and visual amenity".

Therefore, overdevelopment in relation to design is not considered an issue in this instance also.

# Amendment/s

None requested or received.

# Professional comments

This application is a resubmission, and identical to it, of the refusal reference: **23/3065/VRC**, which, as per Officer Report of this VRC application sought the following:

Variation of planning approval: **23/1819/FUL** - Condition Number: U0165004 (Approved Drawings and Documents) to allow for additional volume/extension to the approved second floor rear mansard over the approved first floor rear extension.

This would result in converting the approved Units 6 and 7 from 1B1P to 1B2P.

In addition to the above, this application also seeks to vary the condition reference: **DV50AEnergy Reduction** attached to the approved reference: **23/1819/FUL** to reduce the required 35% reduction in Carbon dioxide emissions to 10% in line with the London Pan (2021). This sought variation will be discussed later in this section.

The application reference: **23/3065/VRC** has been refused for the following reasons:

#### **DETAILED REASONS**

#### U0183804 Refuse

The proposed roof addition by reason of increasing the number of occupiers as approved under the application reference: 23/1819/FUL and lack of addressing the planning condition DV18A - Refuse Arrangements of planning permission: 23/1819/FUL, to be satisfied in relation to the occupiers as approved under the application reference: 23/1819/FUL, as well as lack of information submitted under this application that the planning condition DV18A - Refuse Arrangements will be satisfied regardless of the number of residents, would result in overdeveloping the application site. This in turn would result in failing to provide suitable and sufficient arrangements for the storage and disposal of refuse/waste not allowing to safeguard the appearance of the properties and the amenities of the area. The proposal would therefore fail to comply with Policy LP 24 of the Local Plan (2018) and the SPD (2022) on REFUSE AND RECYCLING: STORAGE AND ACCESS REQUIREMENTS FOR NEW DEVELOPMENTS.

### U0183806 Amenity Space

By virtue of a lack of sufficient, private, usable, functional, safe and easily accessible from living areas outdoor amenity space, the application would result in substandard in quality flats. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 35, and the Residential Development Standards SPD (2010) and Policy 13 of the emerging draft Local Plan (Regulation 19).

### U0183805 Cycle Parking

In failing to comply with the London Plan (2021) in terms of the number of cycling facility to be allocated for the units 6 and 7 for 1 Bedroom x 2 People, the proposal is considered to be against the Council's policy to discourage the use of the car wherever possible aiming to pursue sustainable development. As such, the application fails to comply with the outcomes sought by the NPPF (2023), London Plan (2021), the policies within the Local Plan (2018), in particular Policy LP 44, and Policy 47 'Sustainable travel choices' of the emerging draft Local Plan (Regulation 19).

Capture from the Decision Notice of the Refusal reference: 23/3065/VRC

Given the above, the current submission will be just assessed against the aforementioned reasons for refusal, namely whether or not these reasons for refusal have been addressed.

Section 73, Determination of applications to develop land without compliance with conditions previously attached, of the Town and Country Planning Act 1990 (the Act) states the following:

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- (4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.

Planning Practice Guidance 'Flexible options for planning permissions' states that:

"There is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission".

As stated above, the application reference: 23/3065/VRC has been found lacking in terms of Refuse, Amenity Space and Cycling Parking.

For clarity, in being the current application, a resubmission, and identical to it, of the refusal reference: **23/3065/VRC**, the current submission will be just discussed against the aforementioned reasons for refusal.

As a starting point, Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). Section 17(3) of the 2004 Act states that "the local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area". This is pursued and achieved by our

adopted Local Plan (2018). In this context the London Plan (2021) and our SPDs are considered material considerations.

# Refuse

The SPD REFUSE AND RECYCLING: STORAGE AND ACCESS REQUIREMENTS FOR NEW DEVELOPMENTS at its Section 4.4 "Residential developments: Blocks of five or more flats" requires:

- i) **Refuse**: Wheeled bins of between 660-1100 litres (I) providing at least 30 litres per household plus 70 litres per bedroom e.g. total weekly refuse (I) = 30I per household + 70I per bedroom;
- ii) **Paper/card recycling**: Wheeled bins of between 240-1100 litres providing at least 55 litres per household;
- iii) **Mixed container recycling**: Wheeled bins of between 240-1100 litres providing at least 55 litres per household; and
- iv) **Food waste recycling**: Wheeled bins of 140 or 240 litres providing at least 23 litres per household. Where containers are stored open to the elements, space for a metal housing unit(s) to store food waste must be provided.

Unit 1 = 1B1P

Unit 2 = 1B1P

Unit 3 = 2B4P

Unit 4 = 1B2P

Unit 5 = 1B2P

Unit 6 = 1B2P

Unit 7 = 1B2P

This means that the proposal needs to provide for the 7 Units:

i) Refuse: 770 litres

ii) Paper/card recycling: 385 litresiii) Mixed container recycling: 385 litresiv) Food waste recycling: 161 litres

The SPD also states that:

It is also desirable for larger developments of blocks containing six or more flats to incorporate space for the provision of communal recycling banks for other materials e.g. textiles, batteries and/or small electricals.

The applicant has failed to provide evidence to fulfil the above requirements and therefore the aforementioned reason for refusal in terms of **Refuse** still stands.

# **Amenity Space**

The SPD (2010) on Residential Development Standards states "to provide adequate private amenity space, the Council will encourage 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". This is supported by the Local Plan as a minimum requirement.

Policy LP 35(D) highlights that "amenity space for all new dwellings, including conversions, should be:

- a. private, usable, functional and safe;
- b. easily accessible from living areas;
- c. orientated to take account of need for sunlight and shading;
- d. of a sufficient size to meet the needs of the likely number of occupiers; and
- e. accommodation likely to be occupied by families with young children should have direct and easy access to adequate private amenity space".

The proposal is for No. 2 Units of 1B2P (resulting from the amendments sought under this application), and no amenity space has been provided. Also, the applicant has provided no justification to departure from the London Plan and SPD.

The applicant, in stating that:

The Applicant is cognisant that Officers of the Borough consider that amenity space is required for the units, but this goes against their own previous determinations where applications for external amenity space was refused at local level. Recognition must also be had to the additional internal space available as a material consideration in favour of the scheme.

fails to consider that, the development consented at the application site is the result of multiple applications, a total of approx. 28No. applications, a so-called piece-meal development, and therefore the previous conclusions of the Council cannot be taken into account in this instance.

The applicant has failed to provide evidence to fulfil the above requirements and therefore the aforementioned reason for refusal in terms of **Amenity Space** still stands.

# **Cycling Parking**

The Units 6 and 7 for 1B2P in order to comply with the London Plan (2021) need provide 3 cycle parking spaces. No. 2 cycle parking spaces would be allocated for Units 6 and 7 (as showed by the previous refusal reference: **23/3065/VRC**). The proposal would therefore fall short of 1 cycle space, with again no justification to departure from the London Plan's requirements.

The applicant has failed to provide evidence to fulfil the above requirements and therefore the aforementioned reason for refusal in terms of **Cycling Parking** still stands.

In addition to the above, this application also seeks to vary the condition reference: **DV50AEnergy Reduction** attached to the approved reference: **23/1819/FUL** to reduce the required 35%

reduction in Carbon dioxide emissions to 10% in line with the London Plan (2021).

Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). Section 17(3) of the 2004 Act states that "the local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area". This is pursued and achieved by our adopted Local Plan (2018). In this context the London Plan (2021) and our SPDs are considered material considerations.

Although the London Plan (2021) is a material planning consideration, the Local Plan (2018) is the reference point in relation to applications submitted for consideration to this Local Planning Authority (LPA).

The application reference: **23/1819/FUL** for "ground floor conversion from commercial to two 1B1P self-contained dwellings. Single storey rear extension to accommodate one new 2B4P self-contained dwelling. First floor extension to allow the sub-division of the existing 3 bedroom first floor flat to form 2No. 1-bedroom flats and the construction of a mansard style roof extension to provide a further 2No. 1 bedroom flats at second floor level. Re-siting of existing front doors at ground floor level of the residential units" was granted the 18/09/2023.

The Proposal's Section of the Officer Report of this application states that:

"this application seeks to merge the approval reference: 19/3704/FUL (varied via the consent reference: 20/2395/VRC) and the approval reference: 22/3328/FUL". This is reflected by the DESIGN AND ACCESS STATEMENT of the approval reference: 23/1819/FUL, that is listed in the planning condition: U0165004 Approved Drawings and Documents attached to the decision notice of this consent.

The approval reference: **19/3704/FUL** is for "part single, part twostorey rear extension to allow the expansion of both ground floor retail / commercial units and the sub-division of the existing 3 bedroom first floor flat to form 2No. 1-bedroom flats and the construction of a mansard style roof extension to provide a further 2No. 1 bedroom flats at second floor level. Re-siting of existing front doors at ground floor level of the residential units".

The approval reference: **22/3328/FUL** is for "ground floor conversion from commercial to two 1B1P self-contained dwellings. Single storey rear extension to accommodate one new 2B4P self-contained dwelling".

In merging the approval reference: **19/3704/FUL** and the approval reference: **22/3328/FUL**, the approval reference: **23/1819/FUL** results in No. 7 new residential units.

Policy LP 22B of the adopted Local Plan (2018) states that: "Developers are required to incorporate measures to improve energy conservation and efficiency as well as contributions to renewable and low carbon energy generation. Proposed developments are required to meet the following minimum reductions in carbon dioxide emissions: 1. All new major residential developments (10 units or more) should achieve zero carbon standards in line with London Plan policy. 2. All other new residential buildings should achieve a 35% reduction". Policy Note 6.3.13 states that "all other new residential schemes should achieve a 35% reduction in carbon dioxide emissions". The second point of Policy LP 22B applies in this case. In merging the above the approval reference: 19/3704/FUL and the approval reference: 22/3328/FUL, the approval reference: 23/1819/FUL results in No. 7 "new residential buildings", a "new residential scheme". In doing so, these new 7 units need to "achieve a 35% reduction" to comply with Policy LP 22 of the adopted Local Plan (2018). As stated above, Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). Section 17(3) of the 2004 Act states that "the local planning authority's local development documents must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area". This is pursued and achieved by our adopted Local Plan (2018).As such, the amendment to the planning condition DV50A Energy Reduction attached to the approval reference: 22/3328/FUL, also sought under this application, is not supported. It is recommended that the application reference 24/1725/VRC be Recommendatio refused for the above reasons.

#### Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

#### 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): GAP Dated: 2	26/08/2024
I agree the recommendation: CTA	
Team Leader/Head of Development Managemer	nt/Principal Planner
Dated:02/09/2024	
The Head of Development Management has cor	tions that are contrary to the officer recommendation. nsidered those representations and concluded that the to the Planning Committee in conjunction with existing
Head of Development Management:	
Dated:	
REASONS:	
CONDITIONS:	
INFORMATIVES:	
UDP POLICIES:	
OTHER POLICIES:	
The following table will populate as a quick check into Uniform	by running the template once items have been entered
SUMMARY OF CONDITIONS AND INFORI	MATIVES
CONDITIONS	
INFORMATIVES	

