

**Place Division / Development Management**

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Mr J Cox  
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Dorset House  
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KT22 7PL  
United Kingdom

Letter Printed 16 September 2024

**FOR DECISION DATED**  
16 September 2024

Dear Sir/Madam

**The Town and Country Planning Act 1990, (as amended)**  
**Decision Notice**

**Application:** 23/1565/OUT  
**Your ref:** South Worples Way - resubmissi...  
**Our ref:** DC/DAV/23/1565/OUT/OUT  
**Applicant:** .  
**Agent:** Mr J Cox

**WHEREAS** in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an OUTLINE application received on **7 June 2023** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**Garages And Land Adjacent Railway South Worples Way East Sheen London**

for

**Outline application for demolition of existing garages and erection of 4 x 2 bedroom flats and 1 x 2 bedroom house with associated hard and soft landscaping, parking and cycle and refuse store. Landscaping to form part of the reserved matters.**

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said OUTLINE application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus  
Head of Development Management

# SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 23/1565/OUT

## APPLICANT NAME

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c/o agent  
.

## AGENT NAME

Mr J Cox  
Dorset House  
297-299 Kingston Road  
Leatherhead  
KT22 7PL  
United Kingdom

## SITE

Garages And Land Adjacent Railway South Worples Way East Sheen London

## PROPOSAL

Outline application for demolition of existing garages and erection of 4 x 2 bedroom flats and 1 x 2 bedroom house with associated hard and soft landscaping, parking and cycle and refuse store. Landscaping to form part of the reserved matters.

## SUMMARY OF CONDITIONS AND INFORMATIVES

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### CONDITIONS

AT03	Commence 3 - 2 years det' approval
U0188811	Reserved matters- 3 years
U0188812	Reserved matter - landscaping
U0188813	Landscaping detail
U0188814	Details - Materials to be approved
U0188815	Approved Drawings
U0188816	NS19 Cycle Parking - Residential
U0188817	Refuse arrangements - Residential
U0188818	Refuse storage
U0188819	Energy Reduction
DV52A	Building Regulation M4(2)
DV51A	Water Consumption
U0188820	Submitted Arboricultural details
U0188821	Tree Planting Scheme Required
U0188822	Construction Ecological Management Plan
U0188823	Updated Ecological Survey
U0188824	External lighting
U0188825	Ecological Enhancements
U0188826	Restriction-Alterations/extn
U0188827	Front boundary fences siting
U0188828	Road frontages retained
U0188829	Detailed Drainage Design
U0188830	Parking spaces
U0188831	Parking Permits Restriction - GRAMPIAN
U0188832	Noise and Vibration
U0188833	Window obscure glazed-No openable~~
DV49A	Construction Management Plan
U0188834	Potentially Contaminated Sites
U0188835	NRMM
U0188836	Fire Safety Strategy
U0188837	Renewable Energy Details
U0188838	ASHP Acoustic Detail

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### INFORMATIVES

U0092206	Tree Planting
U0092207	Bat Friendly Roof Design

U0092208	External Lighting
U0092209	Ecological Enhancements
U0092218	Street numbering
U0092214	Biodiversity Gain Plan No Pre-Approval
U0092215	Composite Informative
U0092216	CIL liable
U0092217	NPPF APPROVAL - Para. 38-42
U0092210	Network Rail informatives

# DETAILED CONDITIONS AND INFORMATIVES

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## DETAILED CONDITIONS

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### **AT03 Commence 3 - 2 years det' approval**

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **U0188811 Reserved matters- 3 years**

In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

REASON: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **U0188812 Reserved matter - landscaping**

Details of the landscaping, (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, to preserve and enhance nature conservation interests and to accord with the terms of the application.

### **U0188813 Landscaping detail**

The details submitted pursuant to condition "Reserved matter - landscaping" shall include full details of both hard and soft landscaping works:

(A) Hard landscaping works details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; structures (e.g. furniture, signs, lighting etc); hard surfacing materials.

(B) Soft landscape works details shall include planting plans; written specifications (including cultivation and establishment); details of the quantity, density, size, species, position and proposed planting programme together with an indication of how they integrate with the proposal and surrounding streetscape in the long term with regard to their mature size and maintenance.

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

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

### **U0188814 Details - Materials to be approved**

The external surfaces of the building(s) (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials in accordance with details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.

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

**U0188815      Approved Drawings**

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

Drawing 01, Sustainable Construction Checklist; received 07 June 2023;  
04, 05; received 13 June 2023;  
02A; received 07 February 2024; and  
03A; received 29 July 2024.

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

**U0188816      NS19 Cycle Parking - Residential**

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

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

**U0188817      Refuse arrangements - Residential**

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

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

**U0188818      Refuse storage**

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

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

**U0188819      Energy Reduction**

The dwelling(s) hereby approved shall achieve at least a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2021) in accordance with the Energy Statement received on 25 July 2024.

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

**DV52A Building Regulation M4(2)**

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

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

**DV51A Water Consumption**

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

Reason: In the interests of water efficiency in accordance with the Council's sustainability policies.

#### **U0188820 Submitted Arboricultural details**

- A. The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the approved Arboricultural details "Arboricultural Report Ref: DPA 9085 / AIA / REV 1, dated May 2023", unless otherwise previously agreed in writing with the local planning authority.
- B. Prior to commencement of works, confirmation of the appointment of a retained Arboricultural consultant to conduct and submit an auditable system of site supervision and monitoring shall be submitted to the Local Planning Authority arboricultural officer.
- C. Illustrated monitoring reports concerning the condition of retained trees shall be submitted to the Local Planning Authority arboricultural officer upon commencement and completion of works hereby approved.

REASON: To ensure that the tree(s) are not damaged or otherwise adversely affected by demolition, building operations, excavations and soil compaction.

#### **U0188821 Tree Planting Scheme Required**

1. Prior to the occupation of the development hereby approved, a tree planting scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall be written in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations, and include:

- A) Details of the quantity, size, species, and position of each individual tree.
- B) An indication of how they integrate with the proposal in the long term with regard to their mature size.
- C) Planting specification and methodology including soil volume calculations and incorporating root deflection measures (Where necessary)
- D) Proposed time of planting (season)
- E) 5-year aftercare, maintenance and management programme.

The tree planting shall be implemented prior to the occupation of the development in accordance with the approved details.

2. Written and photographic confirmation of the tree planting, as specified in the approved Tree Planting Scheme, shall be submitted at the conclusion of the project and approved in writing by the local planning authority.

3. If within a period of 5 years from the date of planting that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or, in the opinion of the local planning authority becomes seriously damaged) then the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the local planning authority.

REASON: To safeguard the appearance of the locality and maintain tree cover.

#### **U0188822 Construction Ecological Management Plan**

No works shall start until a Construction Ecological Management Plan (or similar) is submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To prevent harm to wildlife and protect existing biodiversity.

#### **U0188823 Updated Ecological Survey**

Should works not commence until after 31st May 2025 an updated ecological survey should be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To prevent harm to wildlife and protect existing biodiversity.

#### **U0188824 External lighting**

Any external illumination of the premises shall not be carried out except in accordance with details giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority

Reason: To safeguard the ecology of the site and neighbour amenity.

#### **U0188825 Ecological Enhancements**

Prior to occupation of the residential dwellings hereby approved, full details of all ecological enhancements shall be submitted to and approved in writing by the local planning authority. The details should include

- 1) specific location (including proposed aspect and height) on a plan in context with the development.
- 2) specific product/dimensions
- 3) proposed maintenance.

The development shall not be occupied until the ecological enhancements have been implemented in full.

Reason: To enhance nature conservation interest.

#### **U0188826 Restriction-Alterations/extn**

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

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

#### **U0188827 Front boundary fences siting**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no wall/fence/or other development above ground level shall be sited on land 0.5m north of the northern edge of the carriageway on South Worple Way as shown on the proposed site plan 03A.

Reason: To provide a maintenance margin for the lifetime of the development and in the interest of Highway safety

#### **U0188828 Road frontages retained**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the frontages of the approved development shall be kept open and free from physical obstructions above ground level (apart from parked vehicles in the designated parking areas), as demonstrated on the approved plans, to enable motorists to manoeuvre vehicles on/off the parking spaces.

Reason: In the interest of Highway safety

#### **U0188829 Detailed Drainage Design**

Prior to commencement of groundworks (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings and supporting calculations to the Local Planning Authority for review and approval, aligned with the Drainage Strategy Rev B dated 04/09/2024. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development. The development shall not be implemented other than in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.



Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy SI 13, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Richmond Council's Local Plan Policy LP 22.

#### **U0188830 Parking spaces**

The car parking layout as shown on drawing no. 03-A shall be implemented in full prior to first occupation of the development hereby approved. The proposed parking spaces shall not be used for any purpose other than for the parking of private motor vehicles used by residents or visitors to the development. At least one parking space shall include provision for active charging facilities. At least passive infrastructure for electric or other ultra-low emission vehicles shall be provided for the remainder of the parking spaces.

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

#### **U0188831 Parking Permits Restriction - GRAMPIAN**

Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no residential occupier of the development shall obtain a residential parking permit within any controlled parking zone which may be in force in the area at any time, nor a season ticket/enter into a contract to park in any car park controlled by the Council.

REASON: To ensure that the development does not generate an increased demand for on-street car parking to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highways, the amenity of the area and to accord with the Council's car parking policy and standards.

#### **U0188832 Noise and Vibration**

The development hereby approved shall be undertaken in accordance with the indicative building recommendations in the Assessment of railway noise and vibration report reference 181102/2 by Peter Moore Acoustics Ltd, dated 14.10.2019.

REASON: To safeguard the amenity of future residential occupants.

#### **U0188833 Window obscure glazed-No openable~~**

The proposed first floor windows in the south elevation of the proposed detached dwelling, as well as the most easterly sited first floor window in the south elevation of the proposed residential flat building hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.

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

#### **DV49A Construction Management Plan**

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

The Statement shall detail :

1. Contact details, including a 24hr emergency contact (details of which shall be displayed on any hoarding / security fencing)
2. Programme length and phasing
3. The number, type and dimensions of vehicles required
4. Vehicle routing
5. Details of holding areas for construction traffic and communication strategy for their arrival
6. Methods of spoil removal and concrete supply
7. Details and location where plant and materials will be loaded and unloaded
8. Security hoarding and maintenance of such
9. Site setup drawings showing the position of vehicles, skips, concrete supply, etc. at a minimum scale of 1:200, showing the site in context of the surrounding highway and neighbouring properties
10. On classified roads generally, vehicles will be expected to enter and exit the site in forward gear. Swept Path Analysis drawings will be required to demonstrate this
11. Details of how the safety of highway users and vulnerable pedestrians will be managed
12. Details of how access to neighbouring properties will be maintained
13. Details of how any trees and street furniture (i.e. lighting columns, communications cabinets, bollards, etc.) are to be protected during the works
14. Details of any required footway and/or road closures, or highway licences
15. Any necessary parking suspension details
16. Details of any wheel-washing facilities, if required
17. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS 5228-1:2009+A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites; as well as for dust control: COSHH 2002 (as amended 2020), The London Plan 2021 Policy SI-1-D and HSE Construction Information Sheet CIS36
18. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS 5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7.

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

#### **U0188834 Potentially Contaminated Sites**

1. No development shall take place until:

- a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the local planning authority
- b) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.
- c) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the local planning authority

Note: some demolition work, if required, could be allowed beforehand for enabling the above requirement (1b), subject to the agreement of the Local Planning Authority.

2. None of the dwellings/buildings hereby approved shall be occupied until:

a) the remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition [1(b, c)] above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

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

#### **U0188835 NRMM**

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

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

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

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

#### **U0188836 Fire Safety Strategy**

The development shall be carried out in accordance with the provisions of the Fire Safety Strategy; received 07 June 2023.

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

#### **U0188837 Renewable Energy Details**

Notwithstanding the details shown on the approved drawings, further details of the air source heat pumps including any enclosures to be installed in accordance with the approved Energy Statement shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include the siting, design and technical specification. The development hereby approved shall not be occupied until the renewable energy measures have been implemented in accordance with the approved details.

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

#### **U0188838 ASHP Acoustic Detail**

1. The rating level of noise from the air source heat pump determined by the cumulative sound emissions of the plant hereby permitted shall be:

a. at least 5dBA lower than the existing background noise level at any given time of operation with noise levels measured or predicted 1m externally to any window at the nearest residential façade and with measurements and assessment to be made according to British Standard 4142:2014; or

b. at a limit of 42 dBLAeq,5mins at 1 m from the nearest residential window in accordance with MSC Planning Standards for Permitted Development Installations of Air Source Heat Pumps on Domestic Premises;

2. Before the use of the plant hereby permitted commences, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the rating level of any plant, permitted as part of this development, will be in accordance with the above at any given time of operation.

REASON: To safeguard the amenities of nearby neighbouring occupants.

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## DETAILED INFORMATIVES

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### **U0092206 Tree Planting**

The selection of *Fagus sylvatica* 'Dawyck' (FSD) for the proposed planting along the boundary with the railway is noted. The selection of an upright species for the limited space is commendable, however, FSD has a mature height of up to 29 metres and towards the western end of the site would impinge upon the building itself.

It would be preferred this to be substituted with *Carpinus betulus* 'Frans Fontaine' which is a smaller, extremely fastigiate variety of hornbeam that avoids the 30-40 year spread of the normal fastigiate hornbeam.

### **U0092207 Bat Friendly Roof Design**

Non-bitumen coated roofing membranes, including but not limited to breathable roofing membranes containing polyethylene or polypropylene filaments must not be installed in buildings or structures which are used by or intended to be used by roosting bats, unless a certificate can be provided declaring that the material has passed a 'snagging propensity test'. See Non-Bitumen Coated Roofing Membranes (formerly BRMs) - Buildings, planning and development - Bat Conservation Trust ([bats.org.uk](http://bats.org.uk)) for more information.

Under no circumstances are adhesive insect traps to be used within the roof space of the building or structure as these have potential to trap bats.

### **U0092208 External Lighting**

External Lighting details shall include:

- o Locations, technical specifications,
- o No upward lighting or lighting onto the open sky, buildings, trees and vegetation, or potential roost features.
- o Accordance with CIBSE guide LG6 and ILP/BCT Bat guidance note 8;

### **U0092209 Ecological Enhancements**

Ecological Enhancements should be provided in accordance with these details -

(A) These details shall:

- 1) Implement the recommendations of the AAe Ecology Technical Note dated June 2023
- 2) Include 4# integrated bird bricks either house Sparrow Terrace or Swift
- 3) Include 4# integrated bat bricks
- 4) Include 2# stag beetle loggeries
- 5) Include bug hotel and pollinator nest sites

- 6) Ensure all walls/fences have mammal holes to allow continued movement of wildlife
- 7) Ensure all plant species are native or wildlife friendly
- (B) Details should include
  - 1) Specific location (including proposed aspect and height) on a plan in context with the development.
  - 2) Specific product/dimensions
  - 3) Proposed maintenance.

#### **U0092218 Street numbering**

If you wish to name or number a new development, sub-divide an existing property, or change the name or number(s) of an existing property or development, you will need to apply to the London Borough of Richmond Upon Thames. Further details of this process, fees, and the necessary information and forms that need to be submitted can be found on the Council's website

[http://www.richmond.gov.uk/street\\_numbering\\_and\\_naming](http://www.richmond.gov.uk/street_numbering_and_naming). Alternately you may contact Peter Cridland, Address Management Manager (020 8891 7889 [peter.cridland@richmond.gov.uk](mailto:peter.cridland@richmond.gov.uk)).

#### **U0092214 Biodiversity Gain Plan No Pre-Approval**

Approval of a Biodiversity Gain Plan will not be required before development commences

##### Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition ('biodiversity gain condition') that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be the London Borough of Richmond upon Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;  
(ii) planning permission is granted which has effect before 2 April 2024; or  
(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and  
(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A 'householder application' means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;  
(ii) is carried out on a site which has an area no larger than 0.5 hectares; and  
(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* 'original planning permission means the permission to which the section 73 planning permission relates' means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ('the earlier Biodiversity Gain Plan') there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

## **U0092215 Composite Informative**

### **Reason for granting:**

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

### **Principal Policies:**

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

London Plan Policies:

G1 Building strong and Inclusive communities

G2 Making the best use of land

G4 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

D12 Fire Safety

D14 Noise

H1 Increasing Housing supply

H2 Small sites

H4 - Delivering affordable housing

SI2 - Minimising greenhouse gas emissions

SI8 - Waste capacity

T4 - Assessing and Mitigating transport impacts

T5 - Cycling

T6 - Car Parking

T7 - Deliveries, servicing and construction

Local Plan Policies:

LP1

LP8

LP21

LP15, LP16

LP20, LP22, LP23

LP24

LP34, LP35

LP36

LP45

Supplementary Planning Guidance:

Affordable Housing  
Design Quality  
Transport  
Refuse and Recycling Storage Requirements  
Residential Development Standards  
Small and Medium Housing Sites  
Sustainable Construction Checklist  
Buildings of Townscape Merit  
Conservation Areas  
Village Plan - East Sheen

**Building Regulations:**

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411). If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

**Damage to the public highway:**

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

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

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

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

**Noise control - Building sites:**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm  
Saturdays 8am to 1pm  
Sundays and Public Holidays - No noisy activities allowed



Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership NoiseandNuisance@merton.gov.uk.

#### **U0092216 CIL liable**

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

#### **U0092217 NPPF APPROVAL - Para. 38-42**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was amended following negotiations with the Council to ensure the scheme complied with adopted policy and guidance, and a decision was made without delay.

#### **U0092210 Network Rail informatives**

The developer must ensure that their proposal, both during construction and after completion does not:

- o encroach onto Network Rail land
- o affect the safety, operation or integrity of the company's railway and its infrastructure
- o undermine its support zone
- o damage the company's infrastructure
- o place additional load on cuttings
- o adversely affect any railway land or structure
- o over-sail or encroach upon the air-space of any Network Rail land
- o cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements

to maintain the safe operation of the railway and protect Network Rail's infrastructure.

#### **Future maintenance**

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As

mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset

Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a 11 possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any thirdparty access to its land.

#### Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer.

#### Suitable foul drainage

must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment

#### Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network

Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

#### Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

#### Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

#### Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

#### Property Rights

notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: [AssetProtectionAnglia@Networkrail.co.uk](mailto:AssetProtectionAnglia@Networkrail.co.uk)

Kent and Sussex: [AssetProtectionLondonSouthEast@NetworkRail.co.uk](mailto:AssetProtectionLondonSouthEast@NetworkRail.co.uk)

Wessex: [AssetProtectionWessex@NetworkRail.co.uk](mailto:AssetProtectionWessex@NetworkRail.co.uk)

To identify your route, please use the link: <https://www.networkrail.co.uk/running-the-railway/our-routes>

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION  
23/1565/OUT

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## **OUT Applications**

### **Making an Appeal – Summary Guidance**

#### **Whether to appeal**

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

#### **Type of appeal:**

Planning Application

#### **Appeal time:**

Within six months of the date of the council's decision letter.

#### **Who can appeal?**

The applicant or their agent may lodge an appeal.

#### **The right of appeal:**

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
  - Refused permission;
  - Gave permission but with conditions you think are inappropriate;
  - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
  - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
  
- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

#### **The appeal process:**

Appeals must be made

- Online at [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), however in summary there are three main types of appeal:

#### **Written procedure:**

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

**Hearing procedure:**

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

**Inquiry procedure:**

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

**Making your views known on someone else's appeal:**

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

**Costs:**

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

**Who to contact?**

The Planning Inspectorate

Website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website [www.richmond.gov.uk/planning](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto:planningappeals@richmond.gov.uk)

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ