

Application reference: 24/2100/FUL
TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
19.08.2024	27.08.2024	22.10.2024	22.10.2024

Site:

123 High Street, Teddington, TW11 8HG

Proposal:

Temporary change of use for a 5-year period of a public house car park to provide a food market on the last Saturday of each month between the hours of 9am - 2pm with traders on site from 8am to 3pm for set-up and close down.

APPLICANT NAME

Mr Jack Pass
115 Queen's Road
Teddington
TW11 0LZ
United Kingdom

AGENT NAME

Mr Jack Pass
115 Queen's Road
Teddington
TW11 0LZ
United Kingdom

DC Site Notice: printed on 28.08.2024 and posted on 06.09.2024 and due to expire on 27.09.2024

Consultations:

Internal/External:

Consultee

14D Urban D
LBRuT Waste Services
LBRUT Environmental Operational
LBRUT Transport
LBRUT Environmental Health

Expiry Date

11.09.2024
11.09.2024
11.09.2024
11.09.2024
02.10.2024

Neighbours:

Flat 5, Fairmile House, 30 Twickenham Road, Teddington, TW11 8BA -
59A High Street, Teddington, TW11 8HA -
13 Gomer Place, Teddington, TW11 9AR -
21 Lindum Road, Teddington, TW11 9DR -
44 Cambridge Crescent, Teddington, TW11 8DY -
36 Cambridge Crescent, Teddington, TW11 8DY -
1 Broom Close, Teddington, TW11 9RJ -
,,, TW11 8HG -
56 Cedar Avenue, Twickenham, TW2 7HE -
73 Cambridge Crescent, Teddington, TW11 8DX -
57 Cambridge Crescent, Teddington, TW11 8DX -
Margaret Cottage, 165 High Street, Teddington, TW11 8HH -
68 Cambridge Road, Teddington, TW11 8DN -
53 Cambridge Crescent, Teddington, TW11 8DX -
First Floor Left, 131 High Street, Teddington, TW11 8HH, - 28.08.2024
First Floor Front And Right, 131 High Street, Teddington, TW11 8HH, - 28.08.2024
Second Floor, 131 High Street, Teddington, TW11 8HH, - 28.08.2024
Ground Floor, 131 High Street, Teddington, TW11 8HH, - 28.08.2024
Basement, 131 High Street, Teddington, TW11 8HH, - 28.08.2024
Wizard House, 2A Cambridge Road, Teddington, TW11 8DR, - 28.08.2024
133 High Street, Teddington, TW11 8HH, - 28.08.2024
129 High Street, Teddington, TW11 8HJ, - 28.08.2024
119A High Street, Teddington, TW11 8HG, - 28.08.2024

Flat,119A High Street,Teddington,TW11 8HG, - 28.08.2024
115 High Street,Teddington,TW11 8HG, - 28.08.2024
117 High Street,Teddington,TW11 8HG, - 28.08.2024
113 High Street,Teddington,TW11 8HG, - 28.08.2024
111 High Street,Teddington,TW11 8HG, - 28.08.2024
Staff Flat,123 High Street,Teddington,TW11 8HG, - 28.08.2024
Flat B,119 High Street,Teddington,TW11 8HG, - 28.08.2024
119 High Street,Teddington,TW11 8HG, - 28.08.2024
99 - 109 High Street,Teddington,TW11 8HG, - 28.08.2024
121 High Street,Teddington,TW11 8HG, - 28.08.2024
6 Cambridge Road,Teddington,TW11 8DR, - 28.08.2024
8 Cambridge Road,Teddington,TW11 8DR, -
4 Cambridge Road,Teddington,TW11 8DR, - 28.08.2024
110 High Street,Teddington,TW11 8JD, - 28.08.2024
First Floor Flat,100 High Street,Teddington,TW11 8JD, - 28.08.2024
Flat,102 High Street,Teddington,TW11 8JD, - 28.08.2024
First Floor Flat,106 High Street,Teddington,TW11 8JD, - 28.08.2024
106 High Street,Teddington,TW11 8JD, - 28.08.2024
104A High Street,Teddington,TW11 8JD, - 28.08.2024
110A High Street,Teddington,TW11 8JD, - 28.08.2024
100 High Street,Teddington,TW11 8JD, - 28.08.2024
2A Udney Park Road,Teddington,TW11 9BG, - 28.08.2024
Flat,110 High Street,Teddington,TW11 8JD, - 28.08.2024
Flat 2,100 High Street,Teddington,TW11 8JD, - 28.08.2024
106 - 108 High Street,Teddington,TW11 8JD, - 28.08.2024
104 High Street,Teddington,TW11 8JD, - 28.08.2024
102 High Street,Teddington,TW11 8JD, - 28.08.2024
2 Udney Park Road,Teddington,TW11 9BG, - 28.08.2024
Flat,135 High Street,Teddington,TW11 8HH, - 28.08.2024
135 High Street,Teddington,TW11 8HH, - 28.08.2024
160 High Street,Teddington,TW11 8HZ, - 28.08.2024
162A High Street,Teddington,TW11 8HZ, - 28.08.2024
158A High Street,Teddington,TW11 8HZ, - 28.08.2024
152A High Street,Teddington,TW11 8HZ, - 28.08.2024
150B High Street,Teddington,TW11 8HZ, - 28.08.2024
Cook,156 High Street,Teddington,TW11 8HZ, - 28.08.2024
158C High Street,Teddington,TW11 8HZ, - 28.08.2024
154 High Street,Teddington,TW11 8HZ, - 28.08.2024
148 High Street,Teddington,TW11 8HZ, - 28.08.2024
162C High Street,Teddington,TW11 8HZ, - 28.08.2024
162B High Street,Teddington,TW11 8HZ, - 28.08.2024
158B High Street,Teddington,TW11 8HZ, - 28.08.2024
152C High Street,Teddington,TW11 8HZ, - 28.08.2024
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150C High Street,Teddington,TW11 8HZ, - 28.08.2024
150A High Street,Teddington,TW11 8HZ, - 28.08.2024
142 High Street,Teddington,TW11 8HZ, -
126 High Street,Teddington,TW11 8JB, - 28.08.2024
128 High Street,Teddington,TW11 8JB, - 28.08.2024
114 - 116 High Street,Teddington,TW11 8JB, - 28.08.2024
134B High Street,Teddington,TW11 8JB, - 28.08.2024
128C High Street,Teddington,TW11 8JB, - 28.08.2024
126C High Street,Teddington,TW11 8JB, - 28.08.2024
120C High Street,Teddington,TW11 8JB, - 28.08.2024
118C High Street,Teddington,TW11 8JB, - 28.08.2024
112C High Street,Teddington,TW11 8JB, - 28.08.2024
112A High Street,Teddington,TW11 8JB, - 28.08.2024
144C High Street,Teddington,TW11 8HZ, - 28.08.2024
138B High Street,Teddington,TW11 8HZ, - 28.08.2024
136 High Street,Teddington,TW11 8JB, - 28.08.2024
124 High Street,Teddington,TW11 8JB, - 28.08.2024
146 High Street,Teddington,TW11 8HZ, - 28.08.2024
142B High Street,Teddington,TW11 8HZ, - 28.08.2024
126A High Street,Teddington,TW11 8JB, - 28.08.2024
132 High Street,Teddington,TW11 8JB, - 28.08.2024
130 High Street,Teddington,TW11 8JB, - 28.08.2024

122 High Street, Teddington, TW11 8JB, - 28.08.2024
 140 High Street, Teddington, TW11 8HZ, - 28.08.2024
 144A High Street, Teddington, TW11 8HZ, - 28.08.2024
 138C High Street, Teddington, TW11 8HZ, - 28.08.2024
 138A High Street, Teddington, TW11 8HZ, - 28.08.2024
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 128B High Street, Teddington, TW11 8JB, - 28.08.2024
 128A High Street, Teddington, TW11 8JB, - 28.08.2024
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 120A High Street, Teddington, TW11 8JB, - 28.08.2024
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 112B High Street, Teddington, TW11 8JB, - 28.08.2024
 144B High Street, Teddington, TW11 8HZ, - 28.08.2024
 142C High Street, Teddington, TW11 8HZ, - 28.08.2024
 142A High Street, Teddington, TW11 8HZ, - 28.08.2024
 118B High Street, Teddington, TW11 8JB, - 28.08.2024
 2 Cambridge Road, Teddington, TW11 8DR, - 28.08.2024
 127A High Street, Teddington, TW11 8HH, - 28.08.2024
 1A Cambridge Road, Teddington, TW11 8DT, - 28.08.2024
 Mints Rear Of 127 To 131, High Street, Teddington, TW11 8HH, - 28.08.2024
 127C High Street, Teddington, TW11 8HH, - 28.08.2024
 127B High Street, Teddington, TW11 8HH, - 28.08.2024
 1 Cambridge Road, Teddington, TW11 8DT, - 28.08.2024
 129A High Street, Teddington, TW11 8HH, - 28.08.2024

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

Development Management

Status: GTD Application:03/3396
 Date:24/02/2004 Erection Of Various Advertisement Signage.

Development Management

Status: GTD Application:92/0966/FUL
 Date:19/08/1992 Retention Of Conservatory At First Floor Level At Rear And Extractor Flue To Kitchen .

Development Management

Status: GTD Application:96/4071
 Date:06/02/1997 Alterations To Front Elevation

Development Management

Status: GTD Application:85/0249/ADV
 Date:23/04/1985 Illuminated wall sign.

Development Management

Status: REF Application:85/1511
 Date:06/02/1986 Internal alterations to existing Public House and the erection of a new Timber Framed conservatory to the rear elevation.

Development Management

Status: GTD Application:69/0284/ADV
 Date:06/03/1969 For Advertisements.

Development Management

Status: GTD Application:76/0371/ADV
 Date:02/06/1976 For Advertisements.

Development Management

Status: GTD Application:10/0647/FUL
 Date:26/05/2010 Erection of single storey flat roof extension to rear of public house.
 Reconfiguration of mechanical plant equipment

Development Management

Status: GTD Application:10/1052/ADV
 Date:09/06/2010 Various signage and 3 awnings with signage

Development Management

Status: GTD Application:10/0647/DD01
 Date:29/11/2010 Details pursuant to conditions: U32299 (details to specified scale)

Development Management

Status: WDN Application:23/1729/FUL

Date:30/11/2023	Retention of an existing canvas tent.
<u>Development Management</u>	
Status: PCO	Application:24/2100/FUL
Date:	Temporary change of use (for a 5-year period) of a public house car park to provide a food market on the last Saturday of each month between the hours of 9 - 2pm with traders on site from 8am to 3pm for set-up and close down
<u>Building Control</u>	
Deposit Date: 06.04.2010	Fit out of existing retail unit to form a Brasserie Blanc restaurant
Reference: 10/0591/IN	
<u>Building Control</u>	
Deposit Date: 27.01.2015	Installed DOCHERTY: Fireflexmaster
Reference: 15/HET00100/HETAS	
<u>Building Control</u>	
Deposit Date: 01.12.2016	Install a gas-fired boiler
Reference: 16/FEN03310/GASAFE	
<u>Enforcement</u>	
Opened Date: 25.08.2010	Enforcement Enquiry
Reference: 10/0450/EN/NAP	
<u>Enforcement</u>	
Opened Date: 02.07.2018	Enforcement Enquiry
Reference: 84/00046/EN	
<u>Enforcement</u>	
Opened Date: 10.05.2023	Enforcement Enquiry
Reference: 23/0213/EN/EOP	

Application Number	24/2100/FUL
Address	123 High Street Teddington TW11 8HG
Proposal	Temporary change of use for a 5-year period of a public house car park to provide a food market on the last Saturday of each month between the hours of 9am - 2pm with traders on site from 8am to 3pm for set-up and close down
Contact Officer	GNI
Legal Agreement	NO

1. INTRODUCTION

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

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

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The site contains the Kings Head Public House which is a two-storey detached building. The site is prominent, occupying the corner of High Street and Cambridge Road. The site also contains a car park which serves the public house and is the location of the proposed food market.

The application site is situated within Teddington Village and is designated as:

Archaeological Priority (Site: Richmond APA 2.19: Teddington - Archaeological Priority Area - Tier II)
Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 180)
Article 4 Direction A1 to A2 (Restricting A1 To A2 - High Street, Teddington 01/04/17 / Ref: ART4/A1TOA2/005 / Effective from: 01/04/2017)
Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
Building of Townscape Merit (Site: Kings Head 123 High Street Teddington Middlesex TW11 8HG)
Community Infrastructure Levy Band (Low)
Conservation Area (CA37 High Street Teddington)
Critical Drainage Area - Environment Agency (Teddington [Richmond] / Ref: Group8_006 /)
Highway Maintained At Public/Private Expense (HIGH STREET Highways Publicly Maintained)
Increased Potential Elevated Groundwater (GLA Drain London)
Key Shop Frontage (101-121 HIGH STREET TEDDINGTON)
Main Centre Boundary (Teddington)
Main Centre Buffer Zone (Teddington Town Centre Boundary Buffer Zone - A residential development or a mixed-use scheme within this 400 metre buffer area identified within the Plan does not have to apply the Sequential Test (for Flood Risk) as set out in Local Plan policy LP21.)
Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency (RoFSW Extent 1 In 1000 year chance - SSA Pool ID: 47644)
Surface Water Flooding (Area Less Susceptible to) - Environment Agency ()
Surface Water Flooding (Area Less Susceptible to) - Environment Agency ()
Village (Teddington Village)
Village Character Area (High Street Teddington - Area 5 & Conservation Area 37 Hampton Wick & Teddington Village Planning Guidance Page 27 CHARAREA11/05/01)
Ward (Teddington Ward)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The applicaiton proposes the temporary change of use (for a 5-year period) of a public house car park to provide a food market on the last Saturday of each month between the hours of 9 - 2pm with traders on site from 8am to 3pm for set-up and close down.

There is no relevant planning history associated with the site.

4. CONSULTATIONS CARRIED OUT

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

19 letters of representation were received.

2 letters of objection have been received and the comments can be summarised as follows:

- Noise Impact/Hours of Operation
 - People are likely to start setting up prior to 8am and make noise (setting up stalls/car noise)
 - 9am is slightly too early, could it be later?
 - Concern live music will be introduced
- Size/growing impact of market
 - Concern once approved, it will increase
- Parking
 - Already difficult for residents to park in the area
 - Market will increase people visiting and wanting to park which then creates more parking issues for residents at weekends.

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

17 letters of support have been received and the comments can be summarised as follows:

- Improvement to Teddington High Street/benefit the community
- Increase in noise is likely to be minimal and is already on a High Street which is already noisy/similar noise impacts to existing noise from veranda of pub
- Support for this market after the loss of the Anglers Market
- Supports the health of the community
- Economic benefit to local community/support for small traders
- Parking – there are available car parks down the street/wider area
- Impact from smells would be limited
- The pub is very conscious of its impact on the local community and yet provides a similar service during Teddington Lights Up and Christmas
- Would not impact aesthetic of the town
- Complaints – other people may object

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 7. Ensuring the vitality of town centres
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

These policies can be found at:

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

London Plan (2021)

The main policies applying to the site are:

GG1 Building strong and Inclusive communities
 SD6 Town Centres and high streets
 D4 Delivering good design
 D12 Fire Safety
 D14 Noise
 E9 Retail, markets and hot food takeaways
 HC1 Heritage conservation and growth

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

Richmond Local Plan (2018)

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

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	Ne
Impact on Designated Heritage Assets	LP3	Yes	Ne
Impact on Non-Designated Heritage Assets	LP4	Yes	Ne
Impact on Amenity and Living Conditions	LP8, LP10	Yes	Ne
Waste Management	LP24	Yes	Ne
Retail Frontages	LP25, LP26	Yes	Ne
Sustainable Travel Choices	LP44	Yes	Ne
Parking Standards and Servicing	LP45	Yes	Ne

These policies can be found at

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

Richmond Publication Local Plan (Regulation 19 version)

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

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

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

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

Issue	Publication Local Plan Policy	Compliance	
Living Locally and the 20-minute neighbourhood	1	Yes	Ne
Place-based Strategy for Hampton & Hampton Hill Teddington & Hampton Wick Twickenham, Strawberry Hill & St Margarets Whitton & Heathfield Ham, Petersham & Richmond Park		Yes	Ne

Richmond & Richmond Hill Kew Mortlake & East Sheen			
Supporting our centres and promoting culture, Development in centres	17, 18	Yes	No
Local character and design quality	28	Yes	No
Designated heritage assets	29	Yes	No
Non-designated heritage assets	30	Yes	No
Amenity and living conditions	46	Yes	No
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48	Yes	No
Social and Community Infrastructure	49	Yes	No

Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development
Transport
Refuse and Recycling Storage Requirements
Village Plan – Teddington

These documents can be found at:

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:
High Street Teddington Conservation Area Statement
High Street Teddington Conservation Area Study

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Principle of Development – Market Use
- ii Design and impact on heritage assets
- iii Market Use/Impact on neighbour amenity
- iv Parking and Waste
- v Biodiversity
- vi Flood Risk
- vii Fire Safety

Issue i – Principle of Development – Market Use

Paragraph 90 of the NPPF states 'planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones

Policy E9 of the London Plan supports London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone

Policy LP 25 of the Local Plan sets out that in the local and neighbourhood centres as well as parades of local importance, the following applies: 1. Appropriate uses could include new retail (including markets), business or employment developments, which maintain suitable provision for small businesses, and other uses, which primarily serve the needs of the local community or attract visitors and develop cultural opportunities.

The Place-based Strategy for Teddington & Hampton Wick in the Richmond Publication Version Local Plan (Regulation 19 version) identifies the Council will support investigation of opportunities for a market in Teddington and to increase independent grocery stores.

Policy 18 of in the Richmond Publication Version Local Plan (Regulation 19 version) sets out that new and extended markets will be supported where any negative impacts on the surrounding area (including the operational requirements of existing businesses in the vicinity) can be mitigated. Existing markets will be protected and new and expanded markets supported in line with the NPPF and the London Plan (Policy E9). The latter must demonstrate how potential negative impacts are to be appropriately mitigated, including impact on the vitality of nearby centres.

The application proposes a small food market in the carpark of an existing public house (indicative plans showing approximately 6 traders). The proposed market will be temporary, occurring once a month for a 5 year period.

The introduction of a food market in Teddington, accessible from the High Street is aligned with both existing local policy and the draft local plan, which places a greater emphasis on supporting community developments of this kind. Due to the small/limited size of the proposed market, the proposed development would not detract from existing retailers. As the proposed market is temporary in nature, the existing Public House use will be retained, and the development will not impact the site as a key-shopping frontage.

The proposed development will assist in supporting the vitality of Teddington High Street, contribute to a diversity of uses and serve the needs of the local community. The proposed development is consistent with the Local Plan, Draft Local Plan, the London Plan and the NPPF.

Issue ii- Design and impact on heritage assets

Paragraph 205 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 207 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

Paragraph 208 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Policy LP3 of states the Council will require development to conserve and, where possible, take opportunities

to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, Scheduled Monuments as well as the Registered Historic Parks and Gardens, will be conserved and enhanced

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

The site is located within the Teddington High Street Conservation Area and contains the Kings Head pub which is designated as a Building of Townscape Merit. The proposed temporary market will be located in the car park of the pub.

The application was reviewed by the Council's Urban Design and Heritage Officer, who identified that the car park does not contribute positively to the setting of the Building of Townscape Merit of Conservation Area. Given, the temporary nature of the market and its location within the car park, the proposed development would not result in harm to the conservation area or the Building of Townscape Merit and its setting, resulting in temporary neutral impact only.

Given the above, the proposed works are considered acceptable and the application is compliant with policies LP1, LP3 and LP4 of the Local Plan, the Richmond Publication (Regulation 19 version), the Planning (Listed Buildings and Conservation Areas) Act 1990 and also conforms to paragraphs 205, 208 and 209 of the NPPF (2023)

Issue iii- Market Use/Impact on Neighbour Amenity

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

Policy LP 10 states the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land. These potential impacts can include, but are not limited to, air pollution, noise and vibration, light pollution, odours and fumes, solar glare and solar dazzle as well as land contamination.

Developers should follow any guidance provided by the Council on local environmental impacts and pollution as well as on noise generating and noise sensitive development. Where necessary, the Council will set planning conditions to reduce local environmental impacts on adjacent land uses to acceptable levels.

Being located on a prominent corner site, the carpark which will site the small market is located in proximity to several residential dwellings/flats, with the closest being on High Street, Cambridge Road and Udney Park Road. The temporary market will have hours of operation between 9:00am – 2:00pm, with an hour either side for bump in/out. The proposed market will accommodate approximately 6 traders selling various types of food.

Neighbourhood concerns in respect to noise and impact of the hours of operation have been received. The application was reviewed by Council's Environmental Health Officer who has recommended a condition to address noise impacts which may arise from the development and prohibit the use of amplified music. This condition is set out as follows:

Noise Management Plan

A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority within 8 weeks of the first commencement of use. The NMP shall include as a minimum, written details of the following information;

- 1. Details of the measures to be taken to ensure set up of stalls does not commence before 08:00 or finish after 15:00*
- 2. Measures to be taken to ensure traders during setting up, prior to opening, do not give rise to excessive noise.*
- 3. Prohibition of amplified music, speech or other form of loud noise (such as singing or chanting)*
- 4. In the event of complaint, the mechanism by which such complaints are logged, investigated and actions taken recorded.*
- 5. The NMP shall be made available upon request by the Environmental Health Department in the*

event of complaint.

This condition is considered appropriate, in striking a balance between protecting neighbourhood amenity including nearby residential uses and allowing a new temporary local community use to operate on the High Street. The proposed condition will restrict the use, bump in/out times to the stated hours and will require measures to minimise any noise generated by the development. It is noted that a temporary permission will be granted only to allow for the ongoing review of operation and management of the market to ensure no adverse amenity impacts result.

No cooking activity is proposed as part of the development, therefore it considered unlikely the proposed market will result in any odour impacts.

Subject to the inclusion of conditions above and other conditions which will manage the operation of the market, the application is considered consistent with the aims and objectives of policy LP8 and LP10 of Richmond Local Plan (2018), LP46 and of the Richmond Publication Local Plan (Regulation 19 version) and the Noise SPD.

Issue iv – Parking and Waste

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

Parking

The proposed market will result in the small carpark at the Kings Head Pub being unoccupiable during the operation and setup of the market for one Saturday per month. The Kings Head Pub on a Saturday commences trading at 12:00pm. There are six existing car spaces within the pub carpark, inclusive of one disabled space. The indicative plans for the market will accommodate 6 traders.

The application was reviewed by Council's Transport Officer who initially requested a Parking Survey assess the impacts from the displaced parking, the impact of visitors and where the traders will park their vehicles. Additional information has been provided by the applicant, including availability of nearby local car parks, monitoring of the pub carpark use and an agreement for the traders to park in the carpark of another local business for the duration of the market's hours (8:00am - 3:00pm). This information has been reviewed by Council's Transport Officer and advised as acceptable to ensure there is no adverse impact on the local area and highway network.

The proposal is therefore considered to be in accordance with LP45 of the Richmond Local Plan (2018), LP48 and of the Richmond Publication Local Plan (Regulation 19 version) and the Transport SPD.

Waste

LP 24 states that the Council will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced. The Council will require the following: 1. All developments, including conversions and changes of use are required to provide adequate refuse and recycling storage space and facilities, which allows for ease of collection and which residents and occupiers can easily access, in line with the guidance and advice set out in the Council's SPD on Refuse and Recycling Storage Requirements.

The proposed market have identified a waste arrangement with the Kings Head Pub. The arrangement will involve the disposal of any waste in bin bags purchased from the pub, placed in the existing bins and collected in accordance with the Kings Head's existing waste arrangements. The application and proposed waste arrangement have been reviewed by Council's Waste Officer, who has advised this arrangement is reasonable.

Issue v - Biodiversity

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

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

Issue vi - Flood Risk

Policy LP 21 'Flood Risk and Sustainable Drainage' states that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The proposed development is for a temporary market once a month and will not include any permanent structures. Given the minor scale of the application the proposal is considered acceptable with regard to LP 21 of the adopted Local Plan and LP8 of the Publication Local Plan.

Issue vii – Fire Safety

A Reasonable Exception Statement was received in support of the application. A condition is included to ensure this is adhered to on an ongoing basis.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

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

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

8. RECOMMENDATION

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

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant planning permission with conditions

Recommendation:

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

I therefore recommend the following:

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

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

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

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

This application has representations on file YES NO

Case Officer (Initials):GNI..... Dated:14.10.24.....

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:23/10/2024.....