

## Application reference: 24/2258/FUL HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
09.09.2024	16.09.2024	11.11.2024	11.11.2024

### Site:

Unit A, Richmond Brewery Stores, 18 Petersham Road, Richmond

### Proposal:

Change of use of ground and first floor office space to music / performance educational premises (class F1-a).

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

### APPLICANT NAME

Mr Matias Puga  
18 Richmond Brewery Stores,  
Petersham Road  
Richmond  
Richmond Upon Thames  
TW10 6UW

### AGENT NAME

Mr Elie Osborne  
86-90 Paul Street  
3rd Floor  
London  
EC2A 4NE  
United Kingdom

**DC Site Notice:** printed on 17.09.2024 and posted on 27.09.2024 and due to expire on 18.10.2024

### Consultations:

#### Internal/External:

#### Consultee

14D POL  
14D Urban D  
LBRUT Environmental Health  
LBRUT Transport

#### Expiry Date

19.10.2024  
01.10.2024  
01.10.2024  
01.10.2024

### Neighbours:

20 Petersham Road, Richmond, TW10 6UR -  
18 Bromwich House, 45 Howson Terrace, Richmond, TW10 6RU -  
55 Petersham Road, Richmond, TW10 6UT, - 17.09.2024  
Towpath Cafe Next To 55, Petersham Road, Richmond, TW10 6UT, - 17.09.2024  
49B Petersham Road, Richmond, TW10 6UH, - 17.09.2024  
49A Petersham Road, Richmond, TW10 6UH, - 17.09.2024  
Hobart Hall Hotel, 43 - 47 Petersham Road, Richmond, TW10 6UL, - 17.09.2024  
First Floor, 20 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Part Ground First And Second Floor, 16 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Vacant Part Of, 20 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Flat 7, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, -  
Flat 6, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Flat 5, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Flat 4, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, -  
Flat 3, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, -  
Flat 2, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Flat 1, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, -  
Second Floor, 20 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Maisonette First And Second Floor, 24 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Ground Floor Flat, 24 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
22B Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
22A Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Officer Planning Report – Application 24/2258/FUL Page 1 of 14

26 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Synergy House, 16 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW, - 17.09.2024  
28 Petersham Road, Richmond, TW10 6UW -  
Unit A, Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW -

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

<u>Development Management</u>	
Status: PDE	Application: 24/2258/FUL
Date:	Change of use of ground and first floor office space to music / performance educational premises (class F1-a).
<hr/>	
<u>Development Management</u>	
Status: PDE	Application: 24/2259/ADV
Date:	Fascia sign and hanging sign
<hr/>	

<b>Application Number</b>	<b>24/2258/FUL</b>
<b>Address</b>	Unit A Richmond Brewery Stores, 18 Petersham Road, Richmond, TW10 6UW
<b>Proposal</b>	Change of use of ground and first floor office space to music / performance educational premises (class F1-a).
<b>Contact Officer</b>	Izabela Moorhouse
<b>Target Determination Date</b>	11/11/2024 (EOT: 22/11/2024)

## 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 application site comprises part of the ground and first floor office premises of a three-storey building, located to the northern end of Petersham Road. The site has been identified as a Building of Townscape Merit (BTM) and is located within the Richmond Hill Conservation Area (CA5). The site is also subject to the following site designations:

- Archaeological Priority Area – Richmond Town
- Area Susceptible to Groundwater Flooding ( $\geq 50\%$ )
- Article 4 Direction restricting basement development
- Land Use Past Industrial
- Richmond Town Centre Boundary Buffer Zone
- Protected View – View from Richmond Hill to Asgill House
- Protected View - View from Richmond Hill to Asgill House – Indicative 20 metre buffer zone
- Thames Policy Area
- Richmond and Richmond Hill Village
- Richmond Hill Village Character Area.

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission for the *“Change of use of ground and first floor office space to music / performance educational premises (class F1-a)”*.

A full planning history for the site can be viewed above. Of relevance:

**97/0377** - Demolition Of Two Cottages And Other Structures On Site And Erection Of A Three Storey New Build Office, Refurbishment And Use Of Existing Bottling Factory For Workshops And Erection Of A Mansard Roof - **Granted**.

**99/2927** - Demolition Of Single Storey Workshop Building At Rear Of Site And Glazed Pitched Roof Above Service Yard. Erection Of New Roof Extension To Form An Additional Floor. Relaxation Of Condition Ns01 Of Planning Permission 97/0377/ful To Allow Use Of Building As Offices - **Granted**.

**05/3802/FUL** - Demolition of single storey rear workshop and glazed pitched roof above service yard. Erection of additional floor and mezzanine level on top of the existing building, to form six residential units consisting of 2 x three bed, 1 x two bed and 3 x one bed units. Creation of new front opening to access existing office units, and creation of new rear opening to service the residential and office units and erection of cycle storage for six bicycles - **Refused. Appeal Allowed**.

**08/3097/FUL** - Erection of additional floor (including mezzanine level) on top of existing building to form seven residential units (4 x 1bed flats, 1 x 2 bed flat and 2 x 3 bed flats) with car parking facilities and alterations to front and rear elevations of existing building - **Granted**. This application was subsequently subject to various Officer Planning Report – Application 24/2258/FUL Page 3 of 14

approved revisions under 14/0243/VRC, 14/3407/VRC, 14/4843/VRC, 15/2988/VRC. The permission is subject to a restrictive condition:

*U88639 Removal of PD "The B1 (office) use hereby approved shall not benefit from the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) for the change of use to C3 (residential) use. REASON: To safeguard the character and appearance of the locality and amenities of the occupiers of adjoining property."*

**24/2259/ADV** - Fascia sign and hanging sign – **Pending consideration** (related to School of Rock application).

#### 4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above. 9 objections from 8 addresses have been submitted, raising the following concerns:

- Noise associated with the proposed use and proposed times
- Impacts to highways capacity
- Existing drop off point is not for use by the proposed unit
- Highway safety
- Road access
- Access to parking and turning
- Not clear where the cycle parking is proposed
- Waste collection – where will waste be stored?
- Use not compatible with residential use

One observational comment has been submitted raising the following points:

- Supportive of objectors
- Noise assessment assuming windows will be closed at all times

#### 5. MAIN POLICIES RELEVANT TO THE DECISION

##### NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 12. Achieving well-designed places

##### London Plan (2021)

The main policies applying to the site are:

Policy GG2 - Making the best use of land  
Policy D1 – London's form, character and capacity for growth  
Policy D4 – Delivering good design  
Policy D5 – Inclusive design  
Policy D12 – Fire safety  
Policy D13 – Agent of change  
Policy S3 – Education and childcare facilities  
Policy E1 – Offices  
Policy HC1 – Heritage conservation and growth

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

##### Richmond Local Plan (2018)

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

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Impact on Designated Heritage Assets	LP3	Yes	No

Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Flood Risk	LP21	Yes	No
Waste Management	LP24	Yes	No
Social and Community Infrastructure	LP28	Yes	No
Education and Training	LP29	Yes	No
Employment and Local Economy	LP40	Yes	No
Offices	LP41	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](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	
Waste and the circular economy	7	Yes	No
Flood Risk and Sustainable Drainage	8	Yes	No
Protecting the Local Economy	21	Yes	No
Offices	23	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	47	Yes	No
Parking Standards and Servicing	48	Yes	No
Social and Community Infrastructure	49	Yes	No
Education and Training	50	Yes	No

### **Supplementary Planning Documents**

Refuse and Recycling Storage Requirements

Transport  
Richmond and Richmond Hill Village Planning Guidance  
Buildings of Townscape Merit  
Conservation Areas  
Development Control for Noise Generating and Noise Sensitive Development

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

### **Other Local Strategies or Publications**

Other strategies or publications material to the proposal are:

Community Infrastructure Levy  
Richmond Hill Conservation Area Statement and 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 Use
- ii Design and Visual Amenity
- iii Impact on neighbour amenity
- iv Flood Risk
- v Transport
- vi Fire Safety

### **Issue i – Principle of Use**

#### Loss of Office

*London Plan Policy E1 (offices) states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises), should be supported by new office provision, refurbishment and mixed-use development. London Plan Policy E2 (Providing suitable business space) states that boroughs should include policies that support the provision, and where appropriate, protection of a range of business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises, and to support firms wishing to start-up or expand.*

*Local Plan Policy LP 40 supports a diverse and strong local economy and seeks to ensure that land is retained in employment use for business, industrial or storage purposes.*

*Policy LP 41 includes a presumption against the loss of office floorspace in all parts of the borough. Outside the Key Office Areas, a loss of office floorspace will only be permitted where evidence is provided that demonstrates that there is no longer demand for an office-based use in this location and that there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise*

*of the site at realistic prices both for the existing office use or an alternative office-based use completed over a minimum period of two continuous years in accordance with the approach set out in Appendix 5 of the Local Plan. Following this, a sequential approach to the redevelopment or change of use is applied that prioritises alternative employment uses including social or community infrastructure uses, followed by maximum provision of affordable housing.*

*The employment policies in the Publication Local Plan continue to take a protectionist approach to existing employment floorspace.*

*Policy 21 states new development proposals will be supported which protect existing employment floorspace for office use, with a no net loss approach.*

*Policy 23 states that there is a presumption against the loss of office floorspace in all parts of the borough and that proposals which result in a net loss of office floorspace will be refused. Marketing information, if submitted, will be considered as a material consideration, but will not in itself justify an exception to policy.*

A Marketing Report, prepared by Stirling Shaw, has been submitted to the council – received on 12/09/2024.

The total area of the office floorspace is 642.92sqm and is fitted out to Grade A+ specification, available for immediate occupation. The offices were let on a single lease to TRO Group for a term of 5 years from 2017, who relocated to central London in 2022.

The report states that the building became vacant in January 2022 and three agents were instructed to work together on a joint sole agency basis to commence a marketing campaign to re-let the offices. The report further states that there is a noticeable 'flight to quality' and an oversupply of Grade A offices in Richmond Town Centre, and that until the best Grade A offices in the Town Centre are fully let, other comparable Grade A offices in secondary, edge of town centre locations, such as the application site, will remain vacant. It goes on to state that office floorspace subject to the change of use proposal represents 1.21% of the total Grade A supply chain in Richmond Town Centre.

The marketing strategy included a Marketing board from March 2023, professional brochure circulated on each agent's database and externally advertised on agents' websites and listed on national media platforms.

The property was advertised as offering 'flexible lease terms'. The office floorspace was available as a whole or part, and marketed on a new lease, terms to be agreed, at £49.50 per square foot (psf) per annum exclusive (said to reflect the 'out of town' location).

A schedule of interested parties is provided at Appendix 8 showing the 15 parties who received details and made further enquiries between March 2023 and August 2024, mainly for office uses but also some leisure use, and a number of confidential enquiries. Reasons for not following through with an offer include lack of parking, location, and deciding to relocate elsewhere.

The first significant interest received was in May 2024 from LSA International (global glass and porcelain company) looking to relocate their HQ. Terms were issued for a new lease for 3,500 sqft at a rent of £49.50psf with 9 months rent free, however in the end LSA did not pursue the site further due to wanting a more central location and insufficient light.

School of Rock expressed strong interest in June 2024 and after numerous viewings terms were agreed for 3,200 sqft, but at a lower rent of £40psf for it to be financially viable for School of Rock. Extensive fit out modifications will also be required for School of Rock which the property owners have agreed to make a capital contribution towards. 3,492 sqft would remain available to let should School of Rock occupy the specified part of the premises.

The proposal is contrary to LP 41 A.1. as the office floorspace has not been marketed over a minimum period of two continuous years. The marketing therefore is just over 18 months. It is also unclear why the site owner was not willing to decrease the advertised rent during the marketing campaign to potentially attract another office occupant given there were a number of interested parties, particularly given the rent paid by the previous occupant, as well as the substantial rental discount and investment that has been offered to School of Rock. Setting these shortcomings aside, the proposal is compliant with the sequential approach to redevelopment or change of use as set out at LP 41 A.2., as the proposed use is a social and community infrastructure use. Whilst the scheme does not strictly accord with the terms of the offices policy, sufficient evidence has been submitted, which considered in conjunction with the benefits of the scheme and employment generating use, is on balance is considered to justify the change of use in this particular circumstance.

Furthermore, the role of creative industries in employment is recognised in Policy 22 of the Publication Local Plan 'promoting jobs and our local economy' which states that proposals for employment floorspace should

Officer Planning Report – Application 24/2258/FUL Page 7 of 14

support suitable workspace for the borough's locally significant and diverse sectors, in accordance with London Plan Policy E8, including those of particular importance to the borough's local economy: media and creative industries'. Whilst this scheme is an educational facility it does both directly and indirectly support this policy objective.

#### Social and Community Infrastructure and Education

*LP 28 A states that the Council will work with service providers and developers to ensure the adequate provision of community services and facilities, especially in areas where there is an identified need or shortage.*

*With regard to new social and community infrastructure, LP 28 B states that proposals for new or extensions to existing social and community infrastructure will be supported where:*

- 1. it provides for an identified need;*
- 2. is of a high quality and inclusive design providing access for all; and*
- 3. where practicable is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which increases public access.*

*Emerging Policy 49 (Social and Community Infrastructure) in Publication Local Plan continues the approach in adopted Local Plan to protecting existing social and community infrastructure sites, but introduces a new criteria (Policy 49 B 4) which requires proposals for new or extensions to existing social and community infrastructure to be in accordance with Policy 1 'Living Locally and the 20-minute neighbourhood (Strategic Policy)'.*

*Although the proposal is for a specific type of music tuition, it is a form of education that could be considered against adopted Policy LP 29 / emerging Policy 50 which generally encourage provision of education and training opportunities.*

*Policy 18 of the Publication Local Plan notes that development proposals for educational and cultural uses will be supported in the town centre where they support the Cultural Quarters in Richmond Town Centre and other existing clusters of cultural facilities and creative industries in centre, as supported by Policy 26 'visitor economy'.*

*Policy 26 states that the Council will support the sustainable growth of the visitor economy for the benefit of the local area by supporting the Cultural Quarters in Richmond and Twickenham and other existing clusters of cultural facilities and creative industries, particularly in town centres, and where ancillary facilities are proposed that are open for public use.*

It is understood that the School of Rock is a for-profit music education company that operates and franchises music schools. The combined DAS/Planning/Heritage Statement states that the facility would be the first in the UK, with plans to open a further 30+ schools across the UK over the years to come. The statement states that the 'School of Rock' was established in the USA in 1998 and since then has expanded to at least 380 schools in 23+ countries, with over 75,000 students and offering employment to 4,000 musicians. The planning statement goes on to state that the School of Rock "uses a revolutionary teaching method that teaches music to people of all ages at any learning level through performance preparation. Instructors are eminent musicians and artists from each country's music scene." There would typically be up to 15 students present at any one-time (up to 25 at peak times), and up to 14 staff members (mix of full and part time) present at peak time. Paragraph 3.8 of the planning statement states the indicative music program of the proposed facility which starts from 4 years old and goes up to an adult program for those aged 18+.

It is considered that the proposal generally accords with the policy approach for social and community infrastructure and education and training. As stated in paragraph 8.2.1 of the adopted Local Plan, Richmond is home to an excellent range of educational facilities. In terms of existing provision for music tuition, it is understood that music lessons in many schools in LBRuT are organised by the Richmond Music Trust. There are also a number of music schools based at schools (either full time or offering short courses periodically) or co-located other uses e.g. Richmond Piano School in at All Hallows Church in Twickenham. Notably there is a 'British School of Rock – Twickenham' (not associated with this applicant) which operates from Orleans Park School, approximately 1 mile from the application site. There are also likely to be private tuition options available for all ages.

It is considered the proposed use will complement the existing music tuition offer, and that the proposed School of Rock facility, which will already have high brand awareness in the UK despite its music school franchise not having yet entered the UK market, could be a popular choice with both local parents/carers and children and those from outside the borough. Additionally, having reviewed the photos supplied of existing School of Rock facilities in other countries, it is considered that the new facility would likely be of a high quality.

Paragraph 8.1.7 of the adopted Local Plan states that larger social and community infrastructure facilities should be located in the borough's centres or areas of good public transport accessibility. It is considered the proposal accords with this approach, being located within the Town Centre boundary for Richmond (and less than 100m from the existing Main Centre boundary), where there are a number of public transport options.

The site is not directly within a Cultural Zone as defined in the Publication Local Plan but is in proximity to one at the junction of Hill Rise / Hill Street / Bridge Street. The London Plan Policy HC5 sets out that development plans should identify and promote new, or enhance existing, locally-distinct clusters of cultural facilities, venues and related uses defined as Cultural Quarters; especially where they can provide an anchor for town centre renewal, and identify, protect, and enhance strategic clusters of cultural attractions. Although dispersed across the borough, there are clusters of existing facilities in the town centres. In particular, Richmond and Twickenham have been identified in the Plan as Cultural Quarters, and other centres have existing clusters of cultural facilities and creative industries. These create an attractive and vibrant area for residents, workers and visitors, as well as reflecting the local character and distinctiveness of our places. There is the potential to grow this cultural and community offer, to help with diversifying our centres, and for our centres to act as gateways and hubs connecting places through active travel. Town centres may be the point where visitors arrive at a station and can then access other cultural attractions by walking or cycling or river transport. The scheme is considered to complement this policy objective in supporting the vitality and viability of the town centre and visitor economy.

The proposal, which would result in a notable loss of Grade A office space in a major centre, would not normally be supported by the Council's adopted employment policies due to marketing shortcomings. Under emerging Policy 23, marketing evidence will be a material consideration, provision of marketing in itself will not justify an exception to policy. However, from a policy view there are some benefits specific to the application that would provide a new social and community infrastructure use appropriate to the major centre location. The proposal would provide training and employment opportunities, would complement the borough's existing music tuition offer, and has the potential to enhance the vitality and viability of Richmond centre. Therefore, an exception to policy is justified on this basis.

Whilst the application is contrary to policy 41 of the Local Plan and 23 of the Publication Local Plan, there are policy benefits from the proposed use where the application would comply with policies LP28 and LP29 of the Local Plan and Publication Local Plan policies 26, 49 and 50. On balance, the benefits derived from the introduction of an education centre (F1a) which would serve a local community within a major centre location would outweigh the harm caused by the loss of the office use.

## **Issue ii - Design and Visual Amenity**

*Policy LP1 of the Local Plan requires all development to be of high architectural and urban design quality and compatible with local character in terms of development patterns, scale, height and design.*

*Policy LP3 states that 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 of the borough's designated heritage assets should be conserved and enhanced. All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or appearance of the Conservation Area.*

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

*Policy 28 of the Publication Local Plan requires all development to be of high architectural and urban design quality. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area. Developments must respect, contribute to and enhance the local environment and character.*

*Policy 29 of the Publication Local Plan requires 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, will be conserved and enhanced.*

*Policy 30 of the Publication Local Plan seeks to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit.*

The existing building is two storey red brick with contemporary second storey addition. 10 bays wide with large arches to flanking bays and central original tile sign. Metal frames windows. Red brick with black plinths to pilasters, stone caps and keystones. The age and quality of the architecture within this Conservation Area provide tangible links to its layers of history, adding greatly to its significance. From cottages, almshouses, shop units to hotels, grand terraces and substantial residences this varied architectural landscape contributes to and enriches the character of the Conservation Area.

There is a high proportion of green space in this Conservation Area, with various parks and gardens interspersed between the built form. This green setting adds to the character and significance of the Conservation Area.

The proposed signage associated with the change of use has been amended following officer comment. The revised design has been reduced in scale and has moved further away from the historic brewery sign. The proposed materials to the main sign have been changed from acrylic to enamel with a matte finish; the hanging sign is now proposed to be metal with a black matte finish. The lighting has been changed from 3 swan neck lights to three modest strip lights which would minimise clutter to the front elevation. The guitars decals to the windows have been removed further minimising the clutter to the front elevation.

This application is in accordance with policies LP1, LP3 and LP4, Publication Local Plan policies 28, 29 and 30 as supported by Richmond and Richmond Hill Village Planning Guidance and Richmond Hill Conservation Area Statement and Study. It also conforms to paragraph 205 of the NPPF (2023) and fulfil the statutory duty of Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) 1990, or relevant paras of NPPF.

### **Issue iii - Impact on Neighbour Amenities**

*London Plan Policy D13 'Agent of Change' places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.*

*Part B states that Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.*

*Part C states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.*

*Local Plan Policy LP 8 states that All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.*

*Policy 46 of the Publication Local Plan requires All development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. Applicants are expected to have regard to the guidance set out within the Council's SPDs relating to design, including Village Planning Guidance, House Extensions and External Alterations, and Small and Medium Housing Sites, as well as other Local Plan policies on infill and backland developments and housing mix and standards.*

*Policy 19 of the Publication Local Plan states that the Council will support proposals which contribute to cultural and creative activities during the day and at night-time to stimulate vibrancy and viability and promote diversity in our centres, and will manage the impacts by ensuring that: 1. new proposals and extensions to existing uses should be of a type and size appropriate to their location, the hours of use proposed, the nature and character of the area; and 2. where there are proposals for new residential properties and they are located in close proximity to established or planned uses with late night licences, the proposed residential use will need to demonstrate that it is capable of mitigating its impact, on established uses and future occupiers.*

No external alterations are proposed on the building which would impact neighbouring properties. It is acknowledged that the new signage will be viewed by neighbouring residents on upper floors, however, given the nature of the design and the similarity to the existing in terms of illumination and scale, they are not considered to be intrusive, and the signage is subject to a separate advertising consent application.

An Acoustic Assessment has been submitted to the council – received 12/09/2024.

It must be highlighted that all of the rooms that contain any live music will be constructed as an independent 'room in a room' design. Neither the walls nor the ceilings of the rooms will be directly connected to the existing building structure. The report highlights that this type of design inherently provides a very high degree of sound insulation.

The assessment outlines that the internal layout of the proposal has been designed to keep the noisier activities such as drum lessons and ensemble rehearsals on the ground floor. Smaller classrooms and bathrooms would be located on the first floor.

A survey of the sound insulation performance of the separating floor between the proposed development unit and the residential units above, along with sound insulation between ground and first floor levels has been carried out. A test between the ground floor open area and 2<sup>nd</sup> floor residential hallway was attempted, however even with the loudspeaker turned up fully to around LAeq 105dB, the report states that no noise was audible/measurable to the second-floor level. The report states that this is a positive indication that very high sound levels at ground floor level will not impact top floor residents.

During the sound insulation tested, the internal background level was also measured within the 2<sup>nd</sup> floor hallways. As the hallway is to the rear of the property and screened from the main road with sealed windows, this has been considered a robust measurement.

To assess sound levels from new mechanical equipment and sound breakout from the development, it is necessary to establish representative background sound levels in the vicinity during the proposed plant operating times. During the survey, the soundscape in the vicinity was influenced predominantly by local and distant road traffic as well as car park activity including frequent delivery vans.

To calculate the potential impact of the proposed development it is necessary to establish typical sound levels within different rooms of the facility. ACA Acoustics have previously recorded sound levels in existing similar facilities. Spectra used in the assessment equates to an overall sound level of LAeq 102dB for the rehearsal, drum rooms and multiuse rooms and a level of LAeq 91dB in the 1st floor smaller individual teaching classrooms. These are considered to be 'worst-case' levels and unlikely to be exceeded; for most of the time sound levels will be considerably lower.

Noise breakout through the façade of the proposed music school will result in a sound level of LAeq 40dB and LCeq 54dB at 1m from the nearest residential window. These levels do not exceed the external background sound levels of LA90 48dB/LC90 58dB shown in Table 4, therefore the criteria to outside residential receptors discussed in Section 2.1 will be met without any further mitigation measures. These calculations are assuming the windows will be kept closed as the facility will have mechanical ventilation/air conditioning. It is necessary to secure this mitigation by condition.

Mitigation treatments are required to the building structure to meet the requirements of the criteria as detailed within Section 2 of the Acoustic Assessment.

Appendix B of the report details the wall and ceiling constructions. All doors should be fitted to all of the rooms as per the details in Appendix B. Wall type T3 of Appendix B to the 1<sup>st</sup> floor separating the wall between the music school demise and the adjacent office spaces as well to the independent room walls.

The mechanical plant referenced within the acoustic assessment does not relate to the current application as no mechanical plant has been proposed. Therefore, its acceptability has not been assessed under this application.

The Environmental Health Noise Officer has been consulted on the application, noting no in principle objection to the proposal subject to compliance with the relevant conditions. Written agreement to the conditions has been received from the applicants.

Having regard to the siting of the application site, the nature and capacity of the proposed use, it is not considered that residential amenity would be compromised as a result of this scheme, therefore satisfying Local Plan Policy LP8.

As such the proposal complies with Local Plan policy LP8, Publication Local Plan policy 46 and the Development Control for Noise Generating and Noise Sensitive Development SPD.

#### **Issue iv – Transport and Servicing**

*Local Plan Policy LP 24 requires all developments, including conversions and changes of use, to provide adequate refuse and recycling storage space and facilities, which allows for ease of collection and which residents and occupiers can easily access. The facilities should be sensitively integrated within the overall design of the scheme.*

*Local Plan Policy LP 44 promotes safe, sustainable and accessible transport solutions, which minimise the impacts of development including in relation to congestion, air pollution and carbon dioxide emissions, and*  
Officer Planning Report – Application 24/2258/FUL Page 11 of 14

*maximise opportunities including for health benefits and providing access to services, facilities and employment.*

*Policy 47 of the Publication Local Plan states that the Council will work with others to bring about safe, sustainable, accessible transport solutions to reduce traffic congestion, reduce air pollution, including carbon dioxide emissions, improve public health, and improve access to services and employment in accordance with the policies set out in the London Plan, Mayor's Transport Strategy, and the Council's own Active Travel Strategy*

*Policy 48 of the Publication Local Plan requires new developments to make provision for the accommodation of vehicles 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.*

The proposed opening hours are from 10am to 10.30pm Monday to Friday and 10am to 6pm on Saturday. The main hours of operation for students are between 4pm - 8pm Monday to Friday, and 11am to 2pm on Saturdays. Typically there would be up to 15 students present at any one time, although this can rise to up to 25 at peak times. Up to 14 staff members would be present at peak times. Staff are employed on a mixture of full and part time basis.

The applicant proposes to keep the existing pedestrian access on the eastern side of Petersham Road (A-Classified Road).

The applicant presented this application car free without off-street vehicular parking spaces. The site has a PTAL of 4 and is in a Controlled Parking Zone (CPZ) 'A1 - Richmond Town' Times: Monday to Saturday 8:30am to 6:30pm (part); Monday to Saturday 8:30am to 6:30pm and Sun, Bank Holidays 11am to 5pm (part) and 'A2 - Richmond Hill' Times: Monday to Saturday 8:30am to 6:30pm (Bank and Public holidays free).

A Transport Statement and Travel Plan have been submitted to the council – received 12/09/2024.

The Statement outlines that the proposal is a change of use and does not involve any amendments to the highway network for access purposes. It is notable that the site has very good access to public transport within an immediate walking distance. The site access and servicing arrangements are unchanged. A significant benefit in traffic terms will be that the music education facility will not generate trips during the key morning peak hour, and trips during the evening peak hours will be restricted to the changeover of students on individual hourly lessons.

The proposed development would not have any perceptible impact on the local highway network.

Deliveries and servicing trips are also not anticipated to increase significantly.

Concerns are raised in the representations regarding access rights to the vehicular drop and pick up point on the northern side of the building which is a private road off Petersham Road. These concerns are noted. The absence of any formal designated drop off point would not be reason for refusal of the application given the highly sustainable town centre location, being in principle, a location where higher trip generating activity should be located.

Although the size of the scheme falls under the threshold at which a travel plan statement is required, a travel plan has been provided in support of the application. The Travel Plan proposes to encourage the employees to use all types of sustainable travel. The Applicant and Travel Plan Coordinator (TPC) will undertake the following to ensure the Travel Plan meets its objectives:

- Promotion of key services and facilities: Full details of the key services and facilities provided by the Travel Plan will be included on the website
- Promote membership to the London Cycling Campaign (LCC): Membership of the LCC provide benefits including free third-party insurance; invitations to over cycling events; route and touring information; technical and product advice; cycle-related legal advice and discounts on many cycling products.
- Promotion of cycling initiatives: Educational establishments are encouraged through the STP programme to promote cycle training to their students. Bike IT is a national cycle promotion scheme run by Sustrans, in order to increase the numbers cycling to and from school. GoBike is another incentive-campaign which promotes cycling.
- Promotion of health benefits associated with active modes of transport: The website will provide details of the health benefits associated with walking and cycling regularly.

- Details of carbon foot-printing: provision of details of established Act on CO2 carbon calculator and information to raise awareness of the environmental and cost saving benefits associated with sustainable travel and reducing car usage.

The applicant will keep the existing Refuse Storage point.

### Cycle Parking

The applicant proposes to provide six secure cycle parking spaces which complies with the London Plan (2021) which requires two long stay spaces and four short stays.

Given the location of the site, a detailed Construction Management Plan needs to be provided via a pre-commencement planning condition. The applicant has provided written agreement to the condition.

In view of the above, the proposal complies with the aims and objectives of policies LP24, LP44 and LP45 of the Local Plan and policies 7, 47 and 48 of the Publication Local Plan as supported by the Transport SPD.

### **Issue v – Flood Risk**

*LP21 states that all developments should avoid, or minimise, contributing to all sources of flooding, taking account of climate change and without increasing flood risk elsewhere.*

*Policy 8 of the Publication Local Plan 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 site is located in an area susceptible to groundwater flooding (>=50%) and in the Thames Policy Area.

No physical works are proposed which would impact the drainage of the site and the proposed activity is no more sensitive than the former use. Any contribution to flood sources is considered to be minimal and there will be no increase in safety risk to occupants. As such, the proposals are considered to satisfy Local Plan Policy LP21 and Publication Local Plan 8.

### **Issue vi – Fire Safety**

*London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.*

A Fire Safety Strategy has been submitted to the Council - received 17/09/2024.

A condition has been included to ensure this is adhered to on an ongoing basis. The applicant is advised that alterations to existing buildings should comply with the Building Regulations. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

### **Issue vii – Biodiversity**

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

- ☐ The application was made before 2<sup>nd</sup> April 2024
- ☒ The development impacts habitat of an area below a 'de minimis' threshold of 25m<sup>2</sup> 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

## **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 considered liable for the Mayoral and 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.

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 subject to condition

#### Recommendation:

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

#### I therefore recommend the following:

- |                         |                                     |
|-------------------------|-------------------------------------|
| 1. REFUSAL              | <input type="checkbox"/>            |
| 2. PERMISSION           | <input checked="" type="checkbox"/> |
| 3. FORWARD TO COMMITTEE | <input type="checkbox"/>            |

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): .....IZM.....

Dated: .....18/11/2024.....

#### I agree the recommendation:

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

South Area Team Manager: .....ND.....

Dated: .....18.11.2024.....