

**WEST TWICKENHAM
WARD**

**Contact Officer:
C Tankard**

**08/0225/FUL
Pouparts Yard and
Land Rear of 84A Hampton Road
Twickenham**

Proposal: Demolition of Pouparts Yard workshop and the erection of a mixed use development comprising 9 No. residential units and 348 square metres of commercial floor space with associated parking and landscaping.

Applicant: Mr J Cooper - Finesse Property Management.

Application received: 24 January 2008

Main Development plan policies:

UDP – First Review: STG 2, IMP 1, 3, ENV 9, 19, 24, BLT 4, 11, 13, 14, 15, 16, 28, 31, HSG 4, 11, TRN 1, 2 and 4

Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.

London Plan Policies: 3A.1, 3A.3, 3C.1, 3C.21, 3C.22, 3D.10, 3D.15, 4A.12, 4A.14, 4B.1, 4B.2 and 6A.5.

SPD: Design Quality; Small and Medium Housing Sites, Planning Obligation Strategy and Sustainable Construction Checklist

Present use: Industrial Premises and Residential Garden.

Summary of Application

The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy.

Recommendation: Approval subject to S106 Agreement

Site:

The application site consists of an area of 0.05 hectares and is located behind 84a Hampton Road, a 1950s backland bungalow. The site includes a portion of the bungalow's rear garden as well as light industrial/storage buildings with ancillary offices known locally as Pouparts Yard. Pouparts Yard can only be accessed via the adjoining site to the north, Air Sea House, which is currently under development for residential and B1 business purposes.

The site is bordered by 2 bungalows to the west, Nos. 84b and 108 Hampton Road, while to the east are the maisonettes and houses comprising Nos. 14 – 24 Third Cross Road whose garages and rear gardens back onto the site.

Planning History:

The site has been the subject of a number of unsuccessful applications, the most recent and relevant of which was submitted in October 2005 (ref: 05/3068/FUL). The application was appealed prior to determination. It should be noted that the

application related to a larger site incorporating the entire plot of land occupied by No 84a Hampton Road plus Pouparts Yard. The case involved the demolition of No 84a and buildings comprising Pouparts Yard and in their place the construction of 2, 3-storey buildings arranged in tandem. These blocks comprised 8 no. residential units and 378 sqm of commercial floor space with associated parking and landscaping. Entrance for vehicles was shown gained via the existing road serving the 2 backland bungalows, Nos 84a and 84b. The 2 buildings were designed with archways allowing cars to drive through the site and exit via the Air Sea House site. This application was refused by the Council for 6 reasons relating to scale and height of the buildings, increased noise and disturbance, loss of privacy, inadequate and unsafe pedestrian access, loss of employment floor space as well as the lack of a legal agreement relating to Planning Obligation Strategy payments and the lack of a detailed land contamination investigation study. At the subsequent appeal, the Council's grounds for refusal were in the main upheld with the exception of the loss of employment floor space. It should be noted that prior to the appeal, the applicants' completed a unilateral undertaking which allowed the planning obligations strategy reason to be set aside.

The current application has been submitted in response to the Planning Inspector's decision in a bid to overcome the identified reasons for dismissing the appeal. The scheme has been amended as follows:

The site has been amended omitting one of the blocks entirely, that which was due to be built in place of the bungalow at 84a Hampton Road. This bungalow is now retained and demolition restricted to the Pouparts Yards light industrial building.

The proposed 3-storey block, which comprises commercial and residential floor space, is of slightly greater massing and height and incorporates basement parking (8 spaces) accessed via a scissor car lift.

The residential element comprises 9 units, 1 3-bedroom, 5, 2-bedroom, 2 1-bedroom and 1 studio apartment.

The employment element is located in the north eastern section of the building providing 348sqm of B1 floor space

Reduction in employment floor space from 378sqm to 348sqm, one extra flat provided increasing total number to 9.

Access to the new development is solely gained via the Air Sea House site.

Ground contamination investigation report submitted.

Sustainable Construction Checklist submitted.

Public and other representations

Letter from Cllr Wilson opposing the application on the following grounds:

1. Overbearing mass.
2. Loss of light, in particular to 22 and 24 Third Cross Road.
3. Foliage and tree camouflage to the current building will be lost if the new development goes ahead.
4. Lack of safe access for pedestrians given the traffic linked to the neighbouring Air Sea House Site and the proposed development.

7 letters received from local residents raising the following objections:

1. Overdevelopment and out-of-scale with surrounding properties (mainly 2-storey).
2. Insufficient parking provided on site. No parking for visitors to residential accommodation or users of commercial units.
3. No information on how deliveries or turning would be achieved by trucks/vans serving business units – internal access road to Air Sea Packing Ltd, and their articulated container lorries, could be blocked.
4. No pedestrian footpath to the proposed development – area frequently congested with commercial vehicles and articulated lorries
5. Additional traffic generated by new business space and flats – existing site employs 3 staff and no residential.
6. Increased air pollution
7. Over-looking and loss of privacy – side windows directly overlook 22 and 24 Third Cross Road.
8. Overshadowing and domineering to 22 and 24 Third Cross Road.
9. Over-bearing and obtrusive – no trees retained on site to soften appearance.
10. Too high (over 10m) – replaces a part single, part 2-storey building.
11. Harm to outlook.
12. Loss of large, established trees/bird and wildlife habitat
13. No demand for additional office floor space.
14. Proposed residential units will be surrounded by business units providing a poor living environment to future occupiers.
15. No details regarding the retention of the chimney.

Non –planning matters also raised including harm to private views and restrictive legal covenants.

Amendments

Revised plans have been received incorporating the following changes:

1. Vertical timber louvres fitted to first and second floor rear elevation
2. Solar tiles and solar thermal panels introduced
3. Revised Energy Statement, Sustainability Statement and Design and Access Statement
4. Unilateral undertaking submitted agreeing the provision of payments pursuant to the Planning Obligation Strategy
5. Alterations to the basement parking layout and sightlines at entrance /exit

Reconsultations

None received.

Professional comment

The main issues in this application relate to land use and density, design and scale, neighbour amenity, transport matters, tree retention and sustainability. These will be considered in turn along with other determining factors.

Land Use

The Council, and appeal Inspector, raised no objection to the principle of residential development in this location noting the re-provision of employment floor space. While the office space has been revised downwards in this scheme the scheme still represents an increase from 284sqm to 348sqm and therefore is fully compliant with Policy EMP4 which seeks to retain existing sites within an employment use but accepts that mixed-use developments can maintain or increase employment on site.

The office unit is also in compliance with EMP7 which encourages the development of starter premises and managed work space for new and growing business forms.

HSG policies of the Unitary Development Plan, which accord with Government circulars and London Plan policy, seek to make best use of brownfield sites of which this is one. New residential development must ensure that land is used efficiently, whilst paying due regard to the provisions of the environmental policies of the Plan, and respecting the quality, character and amenity of the area. In this case there are no overriding ENV or BLT policies which prevent the redevelopment of the site as proposed. The buildings to be demolished are neither listed, BTM nor does the site lie within a conservation area which while not precluding development would have placed a higher level of protection when considering new development.

The mix of units, 2No. 1 bed flats, 1No. studio flat and 6No 2 and 3 bed flats, accords with HSG 11 which seeks at least 25% of new units to be small in order to widen housing choice for the growing number of one-person households.

Design and Scale

Scale

The revised scheme will have a limited street presence to Third Cross Road and will not be visible from Hampton Road. The building is three storeys above ground level and will integrate with and result in an acceptable transition between the industrial sites to the north and the mixed use building proposed.

When determining the appeal, the Inspector only found that the front building replacing No 84a Hampton road was likely to have a harmful impact on the character and appearance of the area. The rear block, which was three storey in scale, was considered to relate satisfactorily to the commercial buildings on the Air Sea House site and did not appear out of scale. He also stated that there was sufficient space between the 3 storey rear block and surrounding residential properties so as not to appear cramped. The height and footprint of the proposed building is very similar to the appeal scheme, the main alteration being that the secondary slope to the mansard roof rises by an additional 0.8m to a main ridge height of 10.6m. Eaves and side parapet wall heights are unaltered in both height and depth while the use of a hipped roof treatment instead of gables to the 3-storey front and rear central projections lessens their prominence. The main difference between the 2 schemes is the introduction of a basement level to accommodate the car parking spaces and studio flat. This is not considered to have a material impact on the appearance of the site in public views.

Design

The Inspector when considering the appeal scheme did not criticise the detailed design approach and materials proposed and a similar style has hence again been adopted with a similar palate of materials and finishes – natural slates, white render front and rear walls, London stock bricks to side elevations and garden walls and white painted timber joinery.

Impact on neighbouring property

The revised scheme has been designed to ensure that there is a minimum distance of 20m between non-shuttered windows serving habitable rooms in the southern elevation of the proposed building and those to Nos 84a and 84b. Hampton Road. Shutters restricting views across neighbouring gardens would be fitted to rear facing windows closest to No 84b boundary which coupled with the planting of a new tree screen planted is considered sufficient to protect privacy to a reasonable level.

The side windows in the proposed building are high level and would not give rise to overlooking. Those facing Third Cross Road properties serve commercial floorspace and can be fitted with obscure glazing.

The Inspector concluded on the points of overshadowing and overdomineering impact that the rear block would not be detrimental to neighbouring properties. The height and massing of the proposal is very similar to the appeal proposal and as such it can be concluded that the level of overshadowing and overbearing impact would be acceptable.

The Inspector also concluded that the rear block would result in acceptable outlook, due to the distances between the proposed building and surrounding dwellings. Sufficient daylight and sunlight would also be maintained.

Traffic and Parking

The appeal scheme was considered unacceptable in highway safety terms due to its complete reliance for site access on the existing narrow driveway/access road to Nos 84a and 84b Hampton Road. The restricted width was noted as being of insufficient width to allow safe shared pedestrian and vehicular use.

Acknowledging this constraint, the application has now been revised so to seek only redevelopment of Pouparts Yard and all access and egress will be via Third Cross Road and the internal access road within the Air Sea House Site. It is noted that as part of the phase 1 developments at Air Sea House which are currently underway, there is a requirement for the access onto Third Cross Road to be widened to accommodate large service vehicles.

The proposal provides 8 basement parking spaces accessed by way of a bespoke car scissor lift. The use of this form of technology has been accepted in principle by the Council's highway engineers however concerns do persist regarding the reversing manoeuvres required of drivers to permit cars to exit from the lift in forward gear. Suitable sightlines are however provided at the access/egress from the lift and the road affected is the site access road to the Air Sea House development and not a public highway. Pedestrian access is through separate entrance points and given the relatively small number of units proposed it is not considered that planning permission can be withheld on highway safety grounds. Pedestrian footpaths to the site are due to be provided as part of the Air Sea House development however because the land does not fall within the applicant's control, no planning condition can be attached requiring provision prior to the occupation of the proposed development.

The residential parking provision is 2 spaces below the maximum number of spaces permitted under the Council's standards. The site, while PTAL 3 (medium), is close to the good bus routes and shops on Hampton Road and so is a reasonably accessible location by other means of transport to the car. No parking is to be provided for the B1 floor space. Parking surveys undertaken in October 2008 when assessing a neighbouring development (9 – 23 Third Cross Road) have shown that during the daytime, parking capacity is between 60 and 65% and hence a parking shortfall linked to the commercial units would be acceptable subject to the imposition of an hours of use condition preventing evening usage. Evening surveys indicate unrestricted parking on Third Cross Road as being at 92%, 8 spaces available. It is considered felt that the predicted shortfall linked to the residential development would be unlikely to place an unacceptable extra burden on existing on-street parking spaces however it has been requested that should a controlled parking zone be introduced in the next 5 years that the development be exempt from eligibility for

permits, a similar approach as adopted at 9 – 23 Third Cross Road site. This is proposed to be secured via a Grampian condition.

9 cycle spaces are proposed in the basement; a condition is attached to ensure that it is properly designed and fully accessible.

Refuse facilities can be provided to the appropriate standard.

Trees

In considering the previous application, the Inspector concurred with the Council that the loss of the trees located along the northern and eastern boundaries did not justify refusal on this ground alone. These trees are considered to be of limited visual amenity and their main value is in providing screening and separation between properties hence subject to the imposition of conditions requiring replacement tree planting, no objection is raised to their felling.

Sustainability

The applicant has submitted a Sustainability Statement with the application. The proposed flat block is predicted to achieve level 4 when assessed against the Code for Sustainable Homes criteria. The design will include among other things:

- 25 sqm of solar thermal panels
- 50sqm of PV panels as solar tiles
- Air Source Heat Pumps proposed as heating system for flats
- Measures to minimise water usage
- Use of energy efficient systems and renewable technologies
- Use of recycled material in construction where appropriate

The solar thermal panels and photovoltaic tiles are estimated to meet the 20% target offset of CO2 emissions.

It is recommended that conditions be imposed requiring the submission of a post-construction review certificate for approval.

Soil Contamination

At appeal, the Inspector found that the due to the residential development being proposed on industrial land an Assessment of Risk should be carried out. One has been submitted as part of this application and reviewed by the Council's scientific officer. He has agreed that the desk-top survey has provided adequate information and that any further sample tests and necessary decontamination works can be reserved to be agreed at the detailed stage through the attachment of a condition.

Planning Obligation Strategy

A unilateral undertaking has been submitted agreeing to pay the following infrastructure contributions in accordance with the Council's Planning Obligation Strategy SPD.

Transport	£22, 196.00
Public Realm	£9, 934.80
Health	£2, 147.67
Primary Education	£11, 260.00
Secondary Educaton	£9, 291.00
Monitoring Fee	£2,741.47

Conclusion

The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy.

I therefore recommend **PERMISSION** subject to the following conditions and informatives:

Standard Conditions

AT01 - Development begun within 3 years
U27928 - Detailed Drawings #car scissor lift, soffits, louvre shutters, railings, flush glazing, balconies and balcony screens#
BD12 - Details of Materials to Be Approved
DV17A - Dustbin Enclosure Required
DV15 - Window obscure glazed-No openable~~ #first and second floors#, #side#
DV 28 - External Illumination
DV29C - Potentially Contaminated Sites
DV30 - Refuse Storage
DV33A - No Reduction In Dwelling Units #9#
DV42 - Details of Foundation - Piling
DV44 - Code for Sustainable Homes - New Build~ #3#
DV46 - BREEAM Ratings for Non-Housing Devt~ #excellent#
LA11A Landscaping Required Hard and Soft
LA23 - Protect Trees - Congested Sites
LA28 - Hand Excavation Only
LA30 - Landscape Works - Implementation
PK02A - Parking/Loading/Turning Construction #basement parking area, access and car scissor lift#, #715 TP3V and TP4V#
PK06A - Cycle Parking
RD09 - Levels of Thresholds
ST03 - Highway Sightlines - Pedestrian

Non Standard Conditions

NS01 - The balcony screen and louvre shutter details approved pursuant to condition U27928 (Detailed Drawings) attached to this decision notice shall be erected before the flats are occupied and shall thereafter be retained in their approved positions.

Reason: To protect the amenities of occupiers of nearby residential properties.

NS02 - The roofs of the building other than those shown as a balcony or roof terrace on the approved drawings shall not be used for any purpose other than as a means of escape or during the maintenance of the building.

Reason: To protect the amenities of occupiers of nearby residential properties.

NS03 - That as part of development hereby approved bat and bird boxes shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority; such details to show the number, type and location of the boxes. These boxes shall be installed prior to the occupation of any of the flats hereby approved.

Reason: To promote the interests of wildlife in the area.

NS04 - 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 resident of the development shall obtain a

resident's parking permit within any controlled parking zone which may come into force in the area at any time in the next five years.

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 residential amenity of the area and to accord with the Councils car parking policy and standards.

NS05 - No development shall take place until details of a scheme of tree planting/screening along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter as part of the development hereby approved prior to occupation of the residential accommodation. These details should include;

Details of species, siting, numbers and size of planting stock.

REASON: To protect amenity of the residential properties and promote wildlife habitat.

NS06 - No work or associated activities including deliveries /loading /unloading /servicing /or parking or manoeuvring of vehicles by staff and/or visitors shall be carried out at the B1 units hereby approved between the hours of 19:00 and 08:00.

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

Standard Informatives

IE05A – Noise Control – Building Sites

IH02A - Refuse storage and collection

IH06C - Damage to Public Highway

IL10A – Building Regulations Required

IL12A – Approved Plans;

#715 TP2s, TP7, TP8s and TP13s received on 23 January 2008, 1t and TP9t received on 27 February 2008, 715 TP3v, TP4v TP7, and TP8s received 12 May 2008, 715 TP5v, TP15, TP16a, TP17, TP18, TP19 and TP20 received 7 October 2008, 715 TP6x, TP10w, TP11w and TP12w received 29 April 2009.

IL16F - Relevant Policies and Plans; # Unitary Development Plan - First Review 2005 policies: STG 2, IMP 1, 3, ENV 9, 19, 24, BLT 4, 11, 13, 14, 15, 16, 28, 31, HSG 4, 11, TRN 1, 2 and 4, Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.

London Plan Policies: 3A.1, 3A.3, 3C.1, 3C.21, 3C.22, 3D.10, 3D.15, 4A.12, 4A.14, 4B.1, 4B.2 and 6A.5, SPD: Design Quality; Small and Medium Housing Sites,

Planning Obligation Strategy and Sustainable Construction Checklist #

IL19 – Reasons for Approval #as conclusion#

IL08 - B1 use

IL13 - Section 106 agreement

IT06 – Nature Conservation

IX03 - Thames Water Consultation

IX04 - Surface Flooding

IM01 - Disabled persons

IM13 - Street numbering

U42011 - Planning Contributions/Obligations #Transport £22, 196.00, Public Realm £9, 934.80, Health £2, 147.67, Primary Education £11, 260.00, Secondary Education £9, 291.00 and Monitoring Fee £2,741.47#

Non-Standard Informative

NS01 – The applicant is advised that this decision in no way conveys the Local Planning Authority's consent of the demolition of the adjacent chimney stack which is an important landmark in the street and wider area. Every attempt should be made to ensure its retention during construction works.

Background Papers:

Application forms and drawings

Letters of representation

Applicants Statements

Contaminated Land Risk Assessment

Revised Design and Access Statement

Revised Sustainability Statement

Unilateral Undertaking dated 25th May 2009

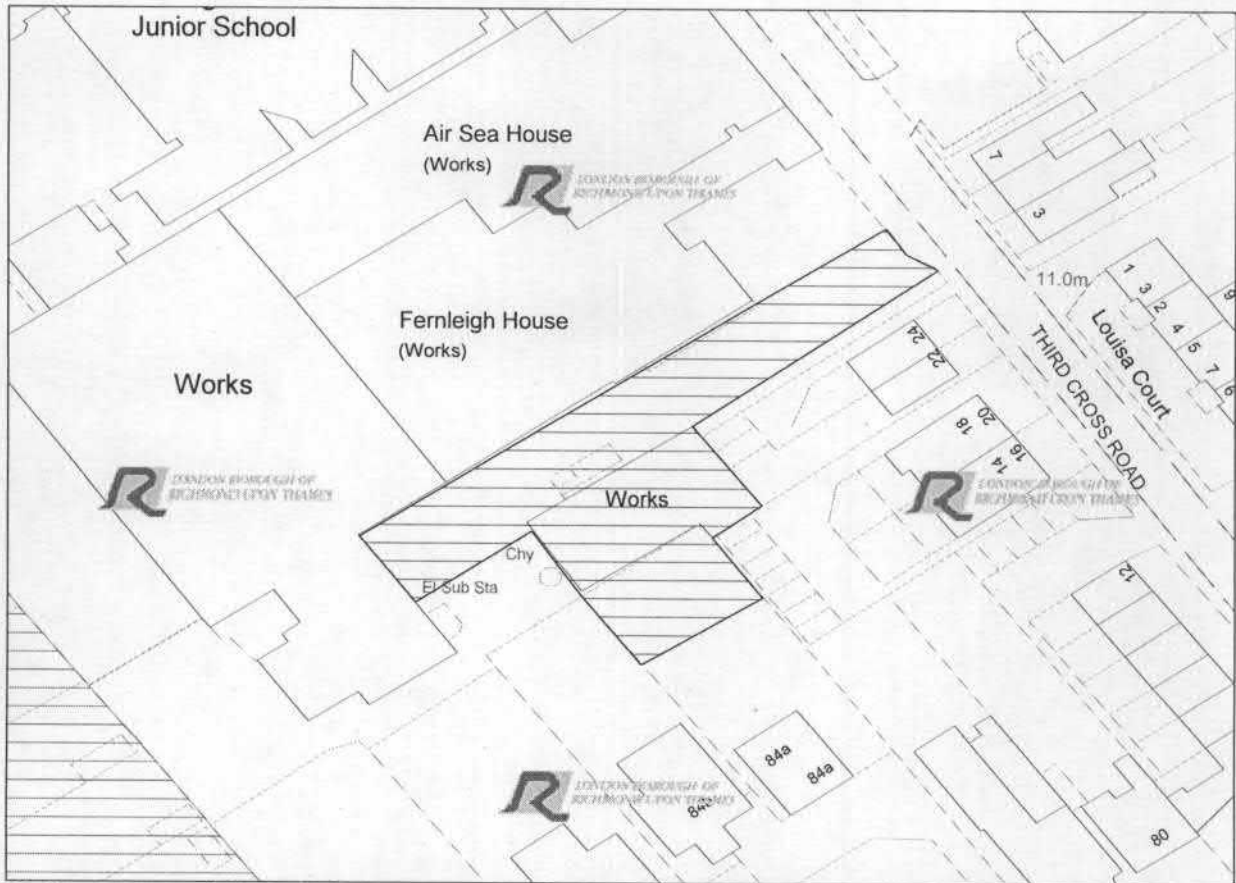
Energy Statement

Application forms and drawings, officer reports, decision notices for previous
planning applications refs 04/3139 and 05/3068/FUL

(EDIT 2)

08/0225/FUL
POUPARTS YARD AND
LAND REAR OF 84A HAMPTON ROAD
TWICKENHAM

WEST TWICKENHAM WARD
Contact Officer:
C.Tankard



© Crown copyright. All rights reserved. London Borough of Richmond Upon Thames
LA 100019441[2009].'- Do not scale

Proposal: Demolition of Poupart's Yard workshop and the erection of a mixed use development comprising 9 No.residential units and 348 square metres of commercial floor space with associated parking and landscaping.

Applicant: Mr J Cooper - Finesse Property Management.

Application received: 24 January 2008

Main development plan policies:

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Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.

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SPD: Design Quality; Small and Medium Housing Sites, Planning Obligation Strategy and Sustainable Construction Checklist

Present use: Industrial Premises and Residential Garden.

Summary of application

The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy and a Grampian condition securing unrestricted access rights to the development.

Recommendation: Approval subject to S106 Agreement

Site:

1. The application site consists of an area of 0.05 hectares and is located behind 84a Hampton Road, a 1950s backland bungalow. The site includes a portion of the bungalow's rear garden as well as light industrial/storage buildings with ancillary offices known locally as Pouparts Yard. Pouparts Yard can only be accessed via the adjoining site to the north, Air Sea House, which is currently under development for residential and B1 business purposes.
2. The site is bordered by 2 bungalows to the west, Nos.84b and 108 Hampton Road, while to the east are the maisonettes and houses comprising Nos.14 – 24 Third Cross Road whose garages and rear gardens back onto the site.

Planning history:

3. The site has been the subject of a number of unsuccessful applications, the most recent and relevant of which was submitted in October 2005 (ref:05/3068/FUL). The application was appealed prior to determination. It should be noted that the application related to a larger site incorporating the entire plot of land occupied by No.84a Hampton Road plus Pouparts Yard. The case involved the demolition of No.84a and buildings comprising Pouparts Yard and in their place the construction of 2, 3-storey buildings arranged in tandem. These blocks comprised 8 no.residential units and 378 sqm of commercial floor space with associated parking and landscaping. Entrance for vehicles was shown gained via the existing road serving the 2 backland bungalows, Nos.84a and 84b. The 2 buildings were designed with archways allowing cars to drive through the site and exit via the Air Sea House site. This application was refused by the Council for 6 reasons relating to scale and height of the buildings, increased noise and disturbance, loss of privacy, inadequate and unsafe pedestrian access, loss of employment floor space as well as the lack of a legal agreement relating to Planning Obligation Strategy payments and the lack of a detailed land contamination investigation study. At the subsequent appeal, the Council's grounds for refusal were in the main upheld with the exception of the loss of employment floor space. It should be noted that prior to the appeal, the applicants' completed a unilateral undertaking which allowed the planning obligations strategy reason to be set aside.
4. The current application has been submitted in response to the Planning Inspector's decision in a bid to overcome the identified reasons for dismissing the appeal. The scheme has been amended as follows:
5. The site has been amended omitting one of the blocks entirely, that which was due to be built in place of the bungalow at 84a Hampton Road. This bungalow is

now retained and demolition restricted to the Pouparts Yards light industrial building.

6. The proposed 3-storey block, which comprises commercial and residential floor space, is of slightly greater massing and height and incorporates basement parking (8 spaces) accessed via a scissor car lift.
7. The residential element comprises 9 units, 1 3-bedroom, 5, 2-bedroom, 2 1-bedroom and 1 studio apartment.
8. The employment element is located in the north eastern section of the building providing 348sqm of B1 floor space.
9. Reduction in employment floor space from 378sqm to 348sqm, one extra flat provided increasing total number to 9.
10. Access to the new development is solely gained via the Air Sea House site.
11. Ground contamination investigation report submitted.
12. Sustainable Construction Checklist submitted.

Public and other representations:

13. Letter from Cllr Wilson opposing the application on the following grounds:
 - Overbearing mass.
 - Loss of light, in particular to 22 and 24 Third Cross Road.
 - Foliage and tree camouflage to the current building will be lost if the new development goes ahead.
 - Lack of safe access for pedestrians given the traffic linked to the neighbouring Air Sea House Site and the proposed development.
14. 7 letters received from local residents raising the following objections:
 - Overdevelopment and out-of-scale with surrounding properties (mainly 2-storey).
 - Insufficient parking provided on site. No parking for visitors to residential accommodation or users of commercial units.
 - No information on how deliveries or turning would be achieved by trucks/vans serving business units – internal access road to Air Sea Packing Ltd, and their articulated container lorries, could be blocked.
 - No pedestrian footpath to the proposed development – area frequently congested with commercial vehicles and articulated lorries
 - Additional traffic generated by new business space and flats – existing site employs 3 staff and no residential.
 - Increased air pollution
 - Over-looking and loss of privacy – side windows directly overlook 22 and 24 Third Cross Road.
 - Overshadowing and domineering to 22 and 24 Third Cross Road.
 - Over-bearing and obtrusive – no trees retained on site to soften appearance.
 - Too high (over 10m) – replaces a part single, part 2-storey building.
 - Harm to outlook.
 - Loss of large, established trees/bird and wildlife habitat
 - No demand for additional office floor space.

- Proposed residential units will be surrounded by business units providing a poor living environment to future occupiers.
 - No details regarding the retention of the chimney.
15. Non –planning matters also raised including harm to private views and restrictive legal covenants.

Amendments:

16. Revised plans have been received incorporating the following changes:
- Vertical timber louvres fitted to first and second floor rear elevation
 - Solar tiles and solar thermal panels introduced
 - Revised Energy Statement, Sustainability Statement and Design and Access Statement
 - Unilateral undertaking submitted agreeing the provision of payments pursuant to the Planning Obligation Strategy
 - Alterations to the basement parking layout and sightlines at entrance /exit

Reconsultations:

17. None received.

Amendments (2):

18. The applicant's agent has notified the owner of the Air Sea House site of the submission of the application and supplied the relevant certificate to the Council.

Reconsultations (2):

19. Letter received from Indigo, the agents acting on behalf of KHL (Twickenham) Ltd, the freehold owner of the vehicular and pedestrian access way across which the proposed development relies upon to gain access from Third Cross Road. The agent advises that
- KHL have not agreed rights of access to the applicant and that these will not be issued until planning permission has been secured for their own development plans for the 'Phase 2' site at Air Sea House which is currently at pre-application stage.
 - The reason for this is that, in the event that the Council grants permission for the Poupart's Yard scheme, this has the potential to become a material planning consideration in respect of the Air Sea House proposals regardless of whether the permission can be lawfully implemented or not. It is unacceptable to our client that the design and development of its own scheme should have to be influenced by an adjoining development which cannot lawfully be progressed without the consent of our client.
 - Their client may be prepared to grant consent for the required access but this will be subject to the following pre-condition:
 - a. Confirmation from the Council that the application for Poupart's Yard will be held in abeyance until the Air Sea House proposals received planning permission) thereby allowing the Air Sea House proposals to be determined within being fettered by the Poupart's Yard scheme (which effectively borrows space from the Air Sea House site to provide the Poupart's scheme with the barest level of amenity and outlook).

- b. In the event that this approach is not adopted, then our client confirms that consent over access will not be authorised thereby making it impossible to provide the development with any access whatsoever, not least during the lifetime of the permission.

Applicant statement:

20. In response to the Indigo letter, the applicant has sought counsel opinion. This opinion has concluded that there is no lawful reason why planning permission cannot be granted in this case subject to the Grampian condition as currently drafted by the Local Planning Authority, and although the Local Planning Authority is obliged to take into account the Indigo letter, there is nothing of substance contained within that letter which alters my opinion.
21. The overall legal position is as follows – that although there is a residual and restricted discretion to refuse permission on the grounds of no reasonable prospect of fulfilment of the Grampian condition, a planning authority will have to have fairly compelling reasons for refusal on this ground alone. The commentators to the British Railways Board v Secretary of State for the Environment & Hounslow LBC case report go further and state that 'a refusal for this reason will need to be linked with some other reason for refusal'.
22. In my view there are a number of considerations which weigh heavily in favour of planning permission namely:
 - a) A grant of planning permission subject to the consideration that development is not to commence until details of access arrangements have been submitted to and agreed by the LPA is one plainly within the contemplation of the Act
 - b) The proposed development is generally desirable and in the public interest and Indigo's recent withdrawal of consent for access does not in itself provide sufficient reason to refuse the permission on the basis that there is no reasonable prospect of fulfilment of the condition
 - c) The issue of access can be overcome by (a) continued negotiations with the owners of the Air Sea House site or (b) alternative access arrangements can be arranged using land/property in the applicant's ownership and control

Professional comment:

23. The main issues in this application relate to land use and density, design and scale, neighbour amenity, transport matters, tree retention and sustainability. These will be considered in turn along with other determining factors.

Land use

24. The Council, and appeal Inspector, raised no objection to the principle of residential development in this location noting the re-provision of employment floor space. While the office space has been revised downwards in this scheme the scheme still represents an increase from 284sqm to 348sqm and therefore is fully compliant with Policy EMP4 which seeks to retain existing sites within an employment use but accepts that mixed-use developments can maintain or increase employment on site.

25. The office unit is also in compliance with EMP7 which encourages the development of starter premises and managed work space for new and growing business forms.
26. HSG policies of the Unitary Development Plan, which accord with Government circulars and London Plan policy, seek to make best use of brownfield sites of which this is one. New residential development must ensure that land is used efficiently, whilst paying due regard to the provisions of the environmental policies of the Plan, and respecting the quality, character and amenity of the area. In this case there are no overriding ENV or BLT policies which prevent the redevelopment of the site as proposed. The buildings to be demolished are neither listed, BTM nor does the site lie within a conservation area which while not precluding development would have placed a higher level of protection when considering new development.
27. The mix of units, 2 No.1 bed flats, 1 No.studio flat and 6 No.2 and 3 bed flats, accords with HSG 11 which seeks at least 25% of new units to be small in order to widen housing choice for the growing number of one-person households.

Design and scale

Scale

28. The revised scheme will have a limited street presence to Third Cross Road and will not be visible from Hampton Road. The building is three storeys above ground level and will integrate with and result in an acceptable transition between the industrial sites to the north and the mixed use building proposed.
29. When determining the appeal, the Inspector only found that the front building replacing No.84a Hampton road was likely to have a harmful impact on the character and appearance of the area. The rear block, which was three storey in scale, was considered to relate satisfactorily to the commercial buildings on the Air Sea House site and did not appear out of scale. He also stated that there was sufficient space between the 3 storey rear block and surrounding residential properties so as not to appear cramped. The height and footprint of the proposed building is very similar to the appeal scheme, the main alteration being that the secondary slope to the mansard roof rises by an additional 0.8m to a main ridge height of 10.6m. Eaves and side parapet wall heights are unaltered in both height and depth while the use of a hipped roof treatment instead of gables to the 3-storey front and rear central projections lessens their prominence. The main difference between the 2 schemes is the introduction of a basement level to accommodate the car parking spaces and studio flat. This is not considered to have a material impact on the appearance of the site in public views.

Design

30. The Inspector when considering the appeal scheme did not criticise the detailed design approach and materials proposed and a similar style has hence again been adopted with a similar palate of materials and finishes – natural slates, white render front and rear walls, London stock bricks to side elevations and garden walls and white painted timber joinery.

Impact on neighbouring property

31. The revised scheme has been designed to ensure that there is a minimum distance of 20m between non-shuttered windows serving habitable rooms in the southern elevation of the proposed building and those to Nos.84a and 84b. Hampton Road. Shutters restricting views across neighbouring gardens would be fitted to rear facing windows closest to No.84b boundary which coupled with

the planting of a new tree screen planted is considered sufficient to protect privacy to a reasonable level.

32. The side windows in the proposed building are high level and would not give rise to overlooking. Those facing Third Cross Road properties serve commercial floorspace and can be fitted with obscure glazing.
33. The Inspector concluded on the points of overshadowing and overdomineering impact that the rear block would not be detrimental to neighbouring properties. The height and massing of the proposal is very similar to the appeal proposal and as such it can be concluded that the level of overshadowing and overbearing impact would be acceptable.
34. The Inspector also concluded that the rear block would result in acceptable outlook, due to the distances between the proposed building and surrounding dwellings. Sufficient daylight and sunlight would also be maintained.

Traffic and parking

35. The appeal scheme was considered unacceptable in highway safety terms due to its complete reliance for site access on the existing narrow driveway/access road to Nos.84a and 84b Hampton Road. The restricted width was noted as being of insufficient width to allow safe shared pedestrian and vehicular use.
36. Acknowledging this constraint, the application has now been revised so to seek only redevelopment of Pouparts Yard and all access and egress will be via Third Cross Road and the internal access road within the Air Sea House Site. It is noted that as part of the phase 1 developments at Air Sea House which are currently underway, there is a requirement for the access onto Third Cross Road to be widened to accommodate large service vehicles. However, rights of access to the development across the Air Sea House site only exist during business hours and therefore the development would not be accessed by vehicles or pedestrians outside these hours. A Grampian condition (NS07) is to be attached requiring that a scheme securing unrestricted pedestrian and vehicular access to the development at all times is agreed by the Local Planning Authority before development commences on site.
37. The proposal provides 8 basement parking spaces accessed by way of a bespoke car scissor lift. The use of this form of technology has been accepted in principle by the Council's highway engineers however concerns do persist regarding the reversing manoeuvres required of drivers to permit cars to exit from the lift in forward gear. Suitable sightlines are however provided at the access/egress from the lift and the road affected is the site access road to the Air Sea House development and not a public highway. Pedestrian access is through separate entrance points and given the relatively small number of units proposed it is not considered that planning permission can be withheld on highway safety grounds. Pedestrian footpaths to the site are due to be provided as part of the Air Sea House development secured by way of Grampian condition.
38. The residential parking provision is 2 spaces below the maximum number of spaces permitted under the Council's standards. The site, while PTAL 3 (medium), is close to the good bus routes and shops on Hampton Road and so is a reasonably accessible location by other means of transport to the car. No parking is to be provided for the B1 floor space. Parking surveys undertaken in October 2008 when assessing a neighbouring development (9 – 23 Third Cross

Road) have shown that during the daytime, parking capacity is between 60 and 65% and hence a parking shortfall linked to the commercial units would be acceptable subject to the imposition of an hours of use condition preventing evening usage. Evening surveys indicate unrestricted parking on Third Cross Road as being at 92%, 8 spaces available. It is considered felt that the predicted shortfall linked to the residential development would be unlikely to place an unacceptable extra burden on existing on-street parking spaces however it has been requested that should a controlled parking zone be introduced in the next 5 years that the development be exempt from eligibility for permits, a similar approach as adopted at 9 – 23 Third Cross Road site. This is proposed to be secured via a Grampian condition.

39. 9 cycle spaces are proposed in the basement; a condition is attached to ensure that it is properly designed and fully accessible.
40. Refuse facilities can be provided to the appropriate standard.

Planning conditions

41. Grampian conditions are negative restrictions on planning permissions preventing their implementation until some event has occurred and this event can relate to land outside of an applicant's ownership or control and can be imposed, according to Secretary of State Policy (Para 40 Circ 11/95 (Amended 2002)) unless there is no prospect at all of the action in question being performed within the time limit of the consent and in law even where such a condition has no reasonable prospect of fulfilment it does not mean that planning permission must necessarily be refused. Such conditions are not irrational in the *Wednesbury* sense.
42. Legal advice has been sought following the receipt of the Indigo letter (see Reconsultations 2) questioning the validity of using a Grampian condition to secure unrestricted access, the reason relating to whether there was sufficient 'prospect' of compliance in light of the apparent dispute over unrestricted access rights to the development's basement parking. The advice confirms that there is no reason in law in this instance for not imposing the planning condition. It is for the decision maker to take into account and attach the amount of weight it feels appropriate to give to the Secretary of State's policy. It is stressed that the Circular is guidance rather than a statement of the law and indeed was amended in 2002 to the weaker test of 'no prospect at all' from 'no reasonable prospect'. In reaching a conclusion on weight, members should take into account the evidence contained in the Indigo letter to show no prospects exist. However having reviewed the Indigo letter, it is considered by Legal that as Grampian conditions run with the land and it is possible for land ownership and development arrangements at the site to change at any time the proposed Grampian condition meets both the Secretary of State's policy and may be lawfully imposed by the Council in this case.

Future development of neighbouring sites

43. It is essential that any assessment of the proposed development for Pouparts Yard has considered whether the proper future development of the Air Sea House site is compromised. The current approval for the Air Sea House site appears unlikely to be implemented however the position and route of the access road is well defined. The current proposal's internal layout is designed with rear facing living rooms, high level side windows whilst bedrooms face towards Air Sea House site. The building is also set 3m back from the approved road alignment. Should a residential development be proposed for the Air Sea

House site 'Phase 2', and this is at an early stage, a standard 15m distance between the facades of facing buildings should remain achievable with the intervening land being dedicated for use as road, parking and landscaping space. This is an efficient, likely and logical use of the land between buildings and it is hence considered that the proposed development should not hinder the site's future development. As such, in the absence of any obvious negative impact on the design and development of the Air Sea House site, there is considered to be no good reason to delay the consideration of the application.

Trees

44. In considering the previous application, the Inspector concurred with the Council that the loss of the trees located along the northern and eastern boundaries did not justify refusal on this ground alone. These trees are considered to be of limited visual amenity and their main value is in providing screening and separation between properties hence subject to the imposition of conditions requiring replacement tree planting, no objection is raised to their felling.

Sustainability

45. The applicant has submitted a Sustainability Statement with the application. The proposed flat block is predicted to achieve level 4 when assessed against the Code for Sustainable Homes criteria. The design will include among other things:
- 25 sqm of solar thermal panels
 - 50sqm of PV panels as solar tiles
 - Air Source Heat Pumps proposed as heating system for flats
 - Measures to minimise water usage
 - Use of energy efficient systems and renewable technologies
 - Use of recycled material in construction where appropriate
46. The solar thermal panels and photovoltaic tiles are estimated to meet the 20% target offset of CO2 emissions.
47. It is recommended that conditions be imposed requiring the submission of a post-construction review certificate for approval.

Soil contamination

48. At appeal, the Inspector found that the due to the residential development being proposed on industrial land an Assessment of Risk should be carried out. One has been submitted as part of this application and reviewed by the Council's scientific officer. He has agreed that the desk-top survey has provided adequate information and that any further sample tests and necessary decontamination works can be reserved to be agreed at the detailed stage through the attachment of a condition.

Planning obligation strategy

49. A unilateral undertaking has been submitted agreeing to pay the following infrastructure contributions in accordance with the Council's Planning Obligation Strategy SPD.

Transport	£22, 196.00
Public Realm	£9, 934.80
Health	£2, 147.67
Primary Education	£11, 260.00
Secondary Educaton	£9, 291.00

Monitoring Fee £2,741.47

Conclusion

50. The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy.
51. I therefore recommend **PERMISSION** subject to the following conditions and informatives:

Standard conditions:

- AT01 - Development begun within 3 years
- U27928 Detailed Drawings #car scissor lift, soffits, louvre shutters, railings, flush glazing, balconies and balcony screens#
- BD12 - Details of Materials to Be Approved
- DV17A - Dustbin Enclosure Required
- DV15 - Window obscure glazed-No openable~~ #first and second floors#, #side#
- DV 28 - External Illumination
- DV29C - Potentially Contaminated Sites
- DV30 - Refuse Storage
- DV33A - No Reduction In Dwelling Units #9#
- DV42 - Details of Foundation – Piling
- DV44 - Code for Sustainable Homes - New Build~ #3#
- DV46 - BREEAM Ratings for Non-Housing Devt~ #excellent#
- LA11A - Landscaping Required Hard and Soft
- LA23 - Protect Trees – Congested Sites
- LA28 - Hand Excavation Only
- LA30 - Landscape Works – Implementation
- PK02A - Parking/Loading/Turning Construction #basement parking area, access and car scissor lift#, #715 TP3V and TP4V#
- PK06A - Cycle Parking
- RD09 - Levels of Thresholds
- ST03 - Highway Sightlines – Pedestrian

Non standard conditions:

- NS01 - The balcony screen and louvre shutter details approved pursuant to condition U27928 (Detailed Drawings) attached to this decision notice shall be erected before the flats are occupied and shall thereafter be retained in their approved positions.
Reason: To protect the amenities of occupiers of nearby residential properties.
- NS02 - The roofs of the building other than those shown as a balcony or roof terrace on the approved drawings shall not be used for any purpose other than as a means of escape or during the maintenance of the building.
Reason: To protect the amenities of occupiers of nearby residential properties.
- NS03 - That as part of development hereby approved bat and bird boxes shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority; such details to show the number, type and location of the boxes. These boxes shall be installed prior to the occupation of any of the flats hereby approved.
Reason: To promote the interests of wildlife in the area.

- NS04 - 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 resident of the development shall obtain a resident's parking permit within any controlled parking zone which may come into force in the area at any time in the next five years.
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 residential amenity of the area and to accord with the Councils car parking policy and standards.
- NS05 - No development shall take place until details of a scheme of tree planting/screening along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter as part of the development hereby approved prior to occupation of the residential accommodation. These details should include;
Details of species, siting, numbers and size of planting stock.
REASON: To protect amenity of the residential properties and promote wildlife habitat.
- NS06 - No work or associated activities including deliveries /loading /unloading /servicing /or parking or manoeuvring of vehicles by staff and/or visitors shall be carried out at the B1 units hereby approved between the hours of 19:00 and 08:00.
REASON: To safeguard the amenities of nearby occupiers and the area generally.
- NS07 - No development shall begin until details of a scheme that ensures unrestricted pedestrian and vehicular access to the development at all times has been submitted to and agreed in writing by the Local Planning Authority, this access shall thereafter be maintained.
Reason: To ensure that satisfactory access, parking and servicing arrangements are available to business and residential occupants of the development and in the interests of on-street parking conditions and public safety on the adjacent highways.

Standard informatives:

- IE05A - Noise Control – Building Sites
IH02A - Refuse storage and collection
IH06C - Damage to Public Highway
IL10A - Building Regulations Required
IL12A - Approved Drawing Nos; #715 TP2s, TP7, TP8s and TP13s received on 23 January 2008, 1t and TP9t received on 27 February 2008, 715 TP3v, TP4v TP7, and TP8s received 12 May 2008, 715 TP5v, TP15, TP16a, TP17, TP18, TP19 and TP20 received 7 October 2008, 715 TP6x, TP10w, TP11w and TP12w received 29 April 2009#.
- IL16F - Relevant Policies and Plans; # Unitary Development Plan - First Review 2005 policies: STG 2, IMP 1, 3, ENV 9, 19, 24, BLT 4, 11, 13, 14, 15, 16, 28, 31, HSG 4, 11, TRN 1, 2 and 4, Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.
London Plan Policies: 3A.1, 3A.3, 3C.1, 3C.21, 3C.22, 3D.10, 3D.15, 4A.12, 4A.14, 4B.1, 4B.2 and 6A.5, SPD: Design Quality; Small and Medium Housing Sites, Planning Obligation Strategy and Sustainable Construction Checklist #
- IL19 - Reasons for Approval #as conclusion#
IL08 - B1 use

- IL13 - Section 106 agreement
- IT06 - Nature Conservation
- IX03 - Thames Water Consultation
- IX04 - Surface Flooding
- IM01 - Disabled persons
- IM13 - Street numbering
- U42011 - Planning Contributions/Obligations #Transport £22, 196.00, Public Realm £9, 934.80, Health £2, 147.67, Primary Education £11, 260.00, Secondary Education £9, 291.00 and Monitoring Fee £2,741.47#

Non-standard informative:

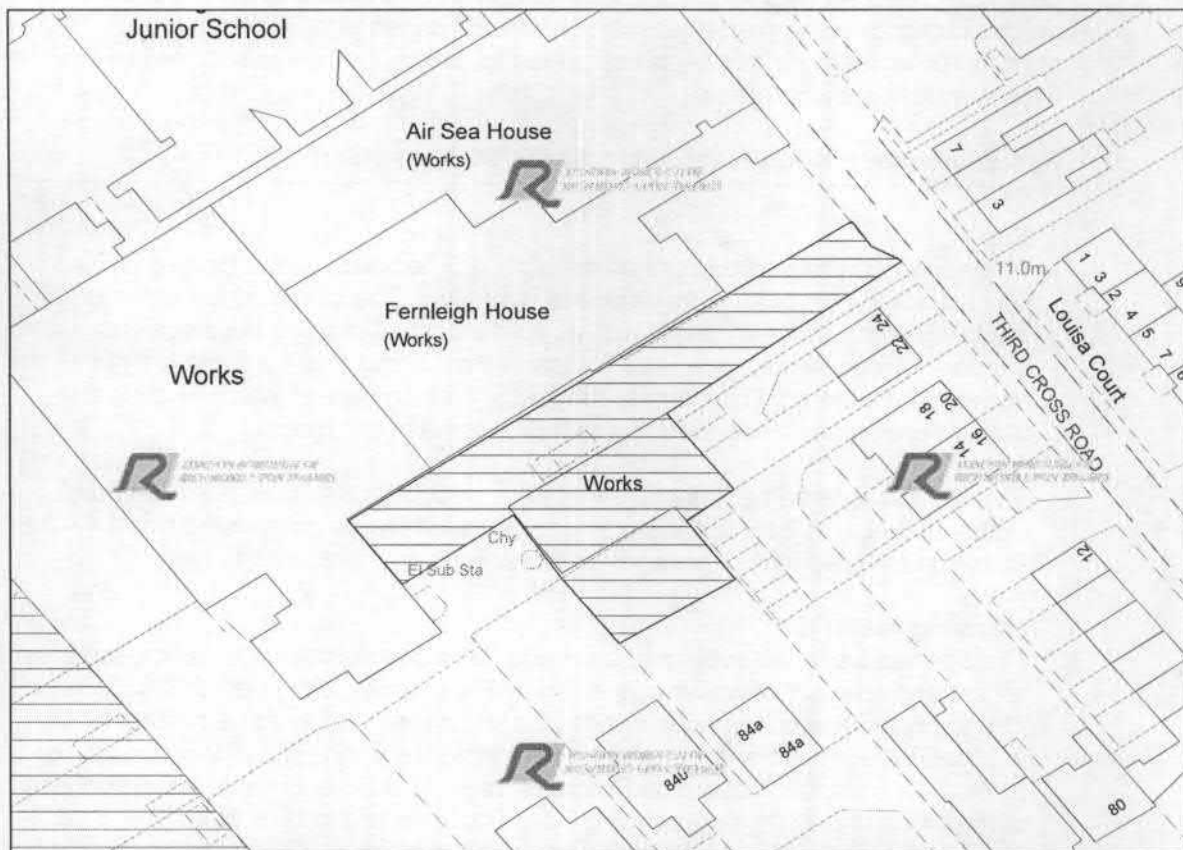
- NS01 - The applicant is advised that this decision in no way conveys the Local Planning Authority's consent of the demolition of the adjacent chimney stack which is an important landmark in the street and wider area. Every attempt should be made to ensure its retention during construction works.

Background papers:

- Application forms and drawings
- Letters of representation
- Applicants Statements
- Contaminated Land Risk Assessment
- Revised Design and Access Statement
- Revised Sustainability Statement
- Unilateral Undertaking dated 25th May 2009
- Energy Statement
- Application forms and drawings, officer reports, decision notices for previous planning applications refs:04/3139 and 05/3068/FUL

08/0225/FUL
 Pouparts Yard and
 Land Rear of 84A Hampton Road
 Twickenham

WEST TWICKENHAM WARD
 Contact Officer:
 C Tankard



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 LA 100019441[2007].'- Do not scale '

Proposal: Demolition of Pouparts Yard workshop and the erection of a mixed use development comprising 9 No.residential units and 348 square metres of commercial floor space with associated parking and landscaping.

Applicant: Mr J Cooper - Finesse Property Management.

Application received: 24 January 2008

Main development plan policies:

UDP – First Review: STG 2, IMP 1, 3, ENV 9, 19, 24, BLT 4, 11, 13, 14, 15, 16, 28, 31, HSG 4, 11, TRN 1, 2 and 4

Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.

London Plan Policies: 3A.1, 3A.3, 3C.1, 3C.21, 3C.22, 3D.10, 3D.15, 4A.12, 4A.14, 4B.1, 4B.2 and 6A.5.

SPD: Design Quality; Small and Medium Housing Sites, Planning Obligation Strategy and Sustainable Construction Checklist

Present use: Industrial Premises and Residential Garden.

Summary of application:

The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy.

Recommendation: Approval subject to S106 Agreement

Site:

1. The application site consists of an area of 0.05 hectares and is located behind 84a Hampton Road, a 1950s backland bungalow. The site includes a portion of the bungalow's rear garden as well as light industrial/storage buildings with ancillary offices known locally as Pouparts Yard. Pouparts Yard can only be accessed via the adjoining site to the north, Air Sea House, which is currently under development for residential and B1 business purposes.
2. The site is bordered by 2 bungalows to the west; Nos.84b and 108 Hampton Road, while to the east are the maisonettes and houses comprising Nos.14 – 24 Third Cross Road whose garages and rear gardens back onto the site.

Planning history:

3. The site has been the subject of a number of unsuccessful applications, the most recent and relevant of which was submitted in October 2005 (ref: 05/3068/FUL). The application was appealed prior to determination. It should be noted that the application related to a larger site incorporating the entire plot of land occupied by No.84a Hampton Road plus Pouparts Yard. The case involved the demolition of No.84a and buildings comprising Pouparts Yard and in their place the construction of 2, 3-storey buildings arranged in tandem. These blocks comprised 8 no. residential units and 378 sqm of commercial floor space with associated parking and landscaping. Entrance for vehicles was shown gained via the existing road serving the 2 backland bungalows, Nos.84a and 84b. The 2 buildings were designed with archways allowing cars to drive through the site and exit via the Air Sea House site. This application was refused by the Council for 6 reasons relating to scale and height of the buildings, increased noise and disturbance, loss of privacy, inadequate and unsafe pedestrian access, loss of employment floor space as well as the lack of a legal agreement relating to Planning Obligation Strategy payments and the lack of a detailed land contamination investigation study. At the subsequent appeal, the Council's grounds for refusal were in the main upheld with the exception of the loss of employment floor space. It should be noted that prior to the appeal, the applicants' completed a unilateral undertaking which allowed the planning obligations strategy reason to be set aside.
4. The current application has been submitted in response to the Planning Inspector's decision in a bid to overcome the identified reasons for dismissing the appeal. The scheme has been amended as follows:
5. The site has been amended omitting one of the blocks entirely, that which was due to be built in place of the bungalow at 84a Hampton Road. This bungalow is now retained and demolition restricted to the Pouparts Yards light industrial building.

6. The proposed 3-storey block, which comprises commercial and residential floor space, is of slightly greater massing and height and incorporates basement parking (8 spaces) accessed via a scissor car lift.
7. The residential element comprises 9 units, 1 3-bedroom, 5, 2-bedroom, 2 1-bedroom and 1 studio apartment.
8. The employment element is located in the north eastern section of the building providing 348sqm of B1 floor space
9. Reduction in employment floor space from 378sqm to 348sqm, one extra flat provided increasing total number to 9.
10. Access to the new development is solely gained via the Air Sea House site.
11. Ground contamination investigation report submitted.
12. Sustainable Construction Checklist submitted.

Public and other representations:

13. Letter from Cllr Wilson opposing the application on the following grounds:
 - Overbearing mass.
 - Loss of light, in particular to 22 and 24 Third Cross Road.
 - Foliage and tree camouflage to the current building will be lost if the new development goes ahead.
 - Lack of safe access for pedestrians given the traffic linked to the neighbouring Air Sea House Site and the proposed development.
14. 7 letters received from local residents raising the following objections:
 - a. Overdevelopment and out-of-scale with surrounding properties (mainly 2-storey).
 - b. Insufficient parking provided on site. No parking for visitors to residential accommodation or users of commercial units.
 - c. No information on how deliveries or turning would be achieved by trucks/vans serving business units – internal access road to Air Sea Packing Ltd, and their articulated container lorries, could be blocked.
 - d. No pedestrian footpath to the proposed development – area frequently congested with commercial vehicles and articulated lorries
 - e. Additional traffic generated by new business space and flats – existing site employs 3 staff and no residential.
 - f. Increased air pollution
 - g. Over-looking and loss of privacy – side windows directly overlook 22 and 24 Third Cross Road.
 - h. Overshadowing and domineering to 22 and 24 Third Cross Road.
 - i. Over-bearing and obtrusive – no trees retained on site to soften appearance.
 - j. Too high (over 10m) – replaces a part single, part 2-storey building.
 - k. Harm to outlook.
 - l. Loss of large, established trees/bird and wildlife habitat
 - m. No demand for additional office floor space.
 - n. Proposed residential units will be surrounded by business units providing a poor living environment to future occupiers.
 - o. No details regarding the retention of the chimney.

15. Non –planning matters also raised including harm to private views and restrictive legal covenants.

Amendments:

16. Revised plans have been received incorporating the following changes:
 - a. Vertical timber louvres fitted to first and second floor rear elevation
 - b. Solar tiles and solar thermal panels introduced
 - c. Revised Energy Statement, Sustainability Statement and Design and Access Statement
 - d. Unilateral undertaking submitted agreeing the provision of payments pursuant to the Planning Obligation Strategy
 - e. Alterations to the basement parking layout and sightlines at entrance /exit

Reconsultations:

17. None received.

Professional comment

18. The main issues in this application relate to land use and density, design and scale, neighbour amenity, transport matters, tree retention and sustainability. These will be considered in turn along with other determining factors.

Land Use

19. The Council, and appeal Inspector, raised no objection to the principle of residential development in this location noting the reprovision of employment floor space. While the office space has been revised downwards in this scheme the scheme still represents an increase from 284sqm to 348sqm and therefore is fully compliant with Policy EMP4 which seeks to retain existing sites within an employment use but accepts that mixed-use developments can maintain or increase employment on site.
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 - Use of energy efficient systems and renewable technologies
 - Use of recycled material in construction where appropriate
38. The solar thermal panels and photovoltaic tiles are estimated to meet the 20% target offset of CO2 emissions.
39. It is recommended that conditions be imposed requiring the submission of a post-construction review certificate for approval.

Soil contamination

40. At appeal, the Inspector found that due to the residential development being proposed on industrial land an Assessment of Risk should be carried out. One has been submitted as part of this application and reviewed by the Council's scientific officer. He has agreed that the desk-top survey has provided adequate information and that any further sample tests and necessary decontamination works can be reserved to be agreed at the detailed stage through the attachment of a condition.

Planning obligation strategy

41. A unilateral undertaking has been submitted agreeing to pay the following infrastructure contributions in accordance with the Council's Planning Obligation Strategy SPD.

Transport	£22, 196.00
Public Realm	£9, 934.80
Health	£2, 147.67
Primary Education	£11, 260.00
Secondary Education	£9, 291.00
Monitoring Fee	£2,741.47

Conclusion

The proposed scheme would be acceptable providing additional housing (33% small units) and replacement B1 floor space in a building which is of a sustainable design in character with surrounding development and sensitive to issues of neighbouring amenity, the street scene and local parking/traffic conditions. A section 106 agreement has been completed to secure payments required by the Planning Obligation Strategy.

I therefore recommend **PERMISSION** subject to the following conditions and informatives:

Standard Conditions

- AT01 - Development begun within 3 years
U27928 - Detailed Drawings #car scissor lift, soffits, louvre shutters, railings, flush glazing, balconies and balcony screens#
BD12 - Details of Materials to Be Approved
DV17A - Dustbin Enclosure Required

- DV15 - Window obscure glazed-No openable~ #first and second floors#, #side#
- DV 28 - External Illumination
- DV29C - Potentially Contaminated Sites
- DV30 - Refuse Storage
- DV33A - No Reduction In Dwelling Units #9#
- DV42 - Details of Foundation – Piling
- DV44 - Code for Sustainable Homes - New Build~ #3#
- DV46 - BREEAM Ratings for Non-Housing Devt~ #excellent#
- LA11A - Landscaping Required Hard and Soft
- LA23 - Protect Trees – Congested Sites
- LA28 - Hand Excavation Only
- LA30 - Landscape Works – Implementation
- PK02A - Parking/Loading/Turning Construction #basement parking area, access and car scissor lift#, #715 TP3V and TP4V#
- PK06A - Cycle Parking
- RD09 - Levels of Thresholds
- ST03 - Highway Sightlines – Pedestrian

Non Standard Conditions

- NS01 - The balcony screen and louvre shutter details approved pursuant to condition U27928 (Detailed Drawings) attached to this decision notice shall be erected before the flats are occupied and shall thereafter be retained in their approved positions.
Reason: To protect the amenities of occupiers of nearby residential properties.
- NS02 - The roofs of the building other than those shown as a balcony or roof terrace on the approved drawings shall not be used for any purpose other than as a means of escape or during the maintenance of the building.
Reason: To protect the amenities of occupiers of nearby residential properties.
- NS03 - That as part of development hereby approved bat and bird boxes shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority; such details to show the number, type and location of the boxes. These boxes shall be installed prior to the occupation of any of the flats hereby approved.
Reason: To promote the interests of wildlife in the area.
- NS04 - 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 resident of the development shall obtain a resident's parking permit within any controlled parking zone which may come into force in the area at any time in the next five years.
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 residential amenity of the area and to accord with the Councils car parking policy and standards.
- NS05 - No development shall take place until details of a scheme of tree planting/screening along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter as part of the development hereby approved prior to occupation of the residential accommodation. These details should include; Details of species, siting, numbers and size of planting stock.

REASON: To protect amenity of the residential properties and promote wildlife habitat.

- NS06 - No work or associated activities including deliveries /loading /unloading /servicing /or parking or manoeuvring of vehicles by staff and/or visitors shall be carried out at the B1 units hereby approved between the hours of 19:00 and 08:00.

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

Standard Informatives

- IE05A - Noise Control – Building Sites
IH02A - Refuse storage and collection
IH06C - Damage to Public Highway
IL10A - Building Regulations Required
IL12A - Approved Plans;
#715 TP2s, TP7, TP8s and TP13s received on 23 January 2008, 1t and TP9t received on 27 February 2008, 715 TP3v and TP4v received 12 May 2008, 715 TP15 and TP17 received 30 September 2008, 715 TP5v, TP16a, TP18, TP19 and TP20 received 7 October 2008, 715 TP6x, TP10w, TP11w and TP12w received 29 April 2009.
IL16F - Relevant Policies and Plans; # Unitary Development Plan - First Review 2005 policies: STG 2, IMP 1, 3, ENV 9, 19, 24, BLT 4, 11, 13, 14, 15, 16, 28, 31, HSG 4, 11, TRN 1, 2 and 4, Core Strategy Policies: CP1, CP2, CP3, CP4, CP5 and CP14.
London Plan Policies: 3A.1, 3A.3, 3C.1, 3C.21, 3C.22, 3D.10, 3D.15, 4A.12, 4A.14, 4B.1, 4B.2 and 6A.5, SPD: Design Quality; Small and Medium Housing Sites, Planning Obligation Strategy and Sustainable Construction Checklist #
IL19 - Reasons for Approval #as conclusion#
IL08 - B1 use
IL13 - Section 106 agreement
IT06 - Nature Conservation
IX03 - Thames Water Consultation
IX04 - Surface Flooding
IM01 - Disabled persons
IM13 - Street numbering
U42011 - Planning Contributions/Obligations #Transport £22, 196.00, Public Realm £9, 934.80, Health £2, 147.67, Primary Education £11, 260.00, Secondary Education £9, 291.00 and Monitoring Fee £2,741.47#

Non-standard informative:

- NS01 - The applicant is advised that this decision in no way conveys the Local Planning Authority's consent of the demolition of the adjacent chimney stack which is an important landmark in the street and wider area. Every attempt should be made to ensure its retention during construction works.

Background papers:

- Application forms and drawings
Letters of representation
Applicants Statements
Contaminated Land Risk Assessment
Revised Design and Access Statement
Revised Sustainability Statement
Unilateral Undertaking dated 25th May 2009
Energy Statement

Application forms and drawings, officer reports, decision notices for previous planning applications refs 04/3139 and 05/3068/FUL