

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

1.0 Introduction

Planning application 21/2533/FUL was submitted by the London Borough of Richmond upon Thames ('LBRuT') on the 8th July 2021, with further reports and drawings submitted subsequently. It was then validated on the 6th August. The description of development given by LBRuT, the local planning authority ('LPA') is:

Provision of new community centre on existing North Lane Depot, East Car Park site, together with demolition of existing community centre and provision of affordable housing on existing Elleray Hall site.

Observations

We were surprised that the two different schemes, although obviously linked, were submitted as part of the same planning application. It is usual practice to separate proposals for the development of different sites to one application, the two sites are clearly separate. There are many sound practical reasons to separate developments in the planning application process.

The planning application should not have been validated as a document essential to the validation by LBRuT as the LPA of proposals for affordable housing has not been submitted, even 36 days after the application as submitted. This document is an Affordable Housing Statement including:

Statement confirming input from Registered Providers on suitability of scheme design, and their offers for the proposed affordable housing compliant with the Council's approach to affordability of rent levels and shared ownership and taking account of the availability of all possible public grant funding.

No such statement has been published amongst the planning application material and thus it is reasonable to assume that no such statement exists. Homes owned and operated by Registered Social Landlords must comply with or exceed the standards laid down. If they do not, they do not get public funding, as is made plain by the London Housing Design Guide which is:

primarily intended to inform housing developers, registered social landlords, architects and planning officers in London. All houses built on London Development Agency land and homes with funding from the London Homes and Community Agency are expected to meet the standards set within the guide.

The requirements set out in the London Housing Design Guide became mandatory for funding from April 2012.

2.0 PLANNING POLICY

The assessments of the two components of the planning application proposals have been made only against the policies and provisions of the Richmond Local Plan adopted by LBRuT on 3rd July 2018.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

This is one of the two main parts of the Development Plan for LBRuT, the other being the London Plan 2021, published on 3rd March 2021.

It is probable that any defects or lack of compliance against the Local Plan would be reflected by similar conclusions in respect of the policies of the London Plan 2021.

We have not assessed the proposals against the National Planning Policy Framework, a revision of which was published on 21st July 2021. If the proposals are found to be in compliance with the Development Plan as a whole, it would follow that there is a strong likelihood that they would also accord with the NPPF. Non-compliance with the Development Plan would render the proposals contrary to the aims and objectives of the NPPF.

Neither have we given any detailed consideration to Supplementary Planning Documents ('SPD') published by LBRuT. These include the Buildings of Townscape Merit SPD adopted by LBRuT in May 2015. However, as there is a number of Buildings of Townscape Merit ('BTM') in the vicinity of the two sites, it is worth replicating some important text from the SPD:

Buildings of Townscape Merit are designated according to the following criteria:

- *Any building or structure which dates from before 1840.*
- *Later buildings or structures which are considered to be of definite quality and character, including the work of important architects and builders. Particular attention will be paid to buildings which:*
 - a. *Have important historic associations, in terms of famous people or events;*
 - b. *Illustrates an important aspect of social or economic history or use;*
 - c. *Represent an exceptionally good example of a specific and distinctive architectural style;*
 - d. *Demonstrate excellence in building craftsmanship, use of materials, technical innovation, architectural features and detailing;*
 - e. *Form part of a distinctive and cohesive group of buildings;*
 - f. *Retain its original architectural interest and integrity, and not subject to insensitive alterations;*
 - g. *Have landmark quality or make a unique and positive contribution to the quality of the townscape or an open space.*

4. The Council's Approach to Buildings of Townscape Merit

It is hoped that by drawing attention to the historic, architectural and townscape interest of such buildings and structures, owners and others will regard them more carefully when considering any proposals for alteration, extension or replacement. The removal of original or characteristic features, or the introduction of unsympathetic windows, doors or materials can not only destroy the visual quality of one building but erode the entire

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

character and interest of an area. Many Buildings of Townscape Merit play a crucial role in the character of local areas. The sympathetic maintenance and adaptation of these buildings can preserve and indeed increase the attractiveness of an area. [4.1]

3.0 COMMUNITY CENTRE

Local Plan Policy LP 28 (Social and Community Infrastructure)

A. 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.

B. Proposals for new or extensions to existing social and community infrastructure will be supported where:

1. it provides for an identified need

The Planning Statement prepared by Beamish Planning Consultancy fails to justify the need claimed adequately. The loss of the building itself does not represent an identified need as there is no information given to the extent of use of the facility, no details are given about how booked up the existing hall is, what sort of activities use it and when. Likewise, no information is given as to whether or not the proposed new building would adequately provide facilities for the most popular uses of the existing hall.

Need has, therefore, not been identified or established by the Planning Statement. We have, so far, not been able to identify any evidence in any other application document.

2. is of a high quality and inclusive design providing access for all; and

The proposed community centre provides level access, a lift serving the first floor and disabled toilet.

No baby change facilities are shown on the proposed Community Centre Ground Floor plan (EHT-03). This is a significant omission that on its own means that the development cannot be considered 'inclusive for all'.

3. where practicable is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which increases public access

The proposed community centre can be split into 3 smaller spaces and the activity and specialist rooms would allow for a variety of users simultaneously.

LP 22 (Sustainable Design and Construction)

Sustainable Design and Construction

A. Developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. Applicants will be required to complete the following:

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

1. *Development of 1 dwelling unit or more, or 100sqm or more of non-residential floor space (including extensions) will be required to complete the Sustainable*

Construction Checklist SPD. A completed Checklist has to be submitted as part of the planning application.

✓ Sustainability checklists submitted for both Community Centre and Residential Development

3. *New non-residential buildings over 100sqm will be required to meet BREEAM 'Excellent' standard.*

✓ *BREEAM Pre Assessment confirms the expected score is currently 72%. Excellent is over 70%.*

B. *Developers are required to incorporate measures to improve energy conservation and efficiency as well as contributions to renewable and low carbon energy generation. Proposed developments are required to meet the following minimum reductions in carbon dioxide emissions:*

2. All non-residential buildings over 100sqm should achieve a 35% reduction.

The Energy Assessment Report prepared by McBains concludes at section 9.0 that:

through the implementation of passive design measures and the installation of high (sic) efficient and low carbon technologies, the new Elleray Hall building is estimated to achieve 35.7% reduction in regulated CO₂ emissions compared with the Building Regulations Part L 2013 Baseline.

The overall contribution of renewable energy measures across the site is 20.5% savings in carbon dioxide emissions.

The proposed energy efficiency measures to deliver the above performance are summarised below:

- *Construction of highly insulated fabric and high performance windows/rooflights;*
- *Low airtightness envelope;*
- *Heat recovery on MVHR;*
- *Provision of luminaires with high efficacy and efficient lighting controls;*
- *Provision of efficient Air Source Heat Pumps (ASHP) system;*
- *Provision of roof-mounted PV panels.*

The design team is currently expecting a score of 72% that would meet the minimum rating to get 'Excellent'.

The statement is made under 9.0 Conclusions of the Energy Assessment Report prepared by McBains that:

The design team is currently expecting a score of 72% that would meet the minimum rating to get 'Excellent'.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

The Energy Assessment Report is dated 20th May 2021. It appears as if the design team was rather resting on its laurels as having apparently attained BREEAM Excellent, it appears not to have attempted to increase the sustainability of the community centre development.

Policy LP 16 (Trees, Woodlands and Landscape)

- A. *The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.*
- B. *To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will:*
- 1. resist the loss of trees including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice;*
 - 3. require, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the monetary value of the existing tree to be felled will be required in line with the 'Capital Asset Value for Amenity Trees' (CAVAT);*
 - 4. require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native species is encouraged where appropriate*

The Arboricultural Impact assessment prepared by AT Coombes Associates notes that one Category C tree will be removed for development purposes:

T9: Goatwillow (Cat C)



ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

The removal of T9 appears to be designed to facilitate a parking space. It is questioned why the car park has not been designed around the tree, which is in good condition and has an estimated remaining lifespan of 20 or more years.

It is noted that paragraph 2.12 of the Planning Statement incorrectly states that *there are no existing trees within the North Lane site*.

Loss of Car Park

The Planning Statement describes the North Lane, East Car Park as:

Rarely needed overflow car park which is now surplus to requirements. [6.9]

How true is this assertion?

The Transport Statement prepared by Paul Mew Associates disagrees, as the following statement on overnight parking makes clear:

Where the site is located on North Lane East car park, an average of eight vehicles were observed to be parked here overnight. The redevelopment of North Lane East car park will therefore result in eight vehicles over-spilling onto the local highway or North Lane West car park. It may be the case that residents would prefer to park on the local highway due to safety reasons. [5.17]

This last sentence is a touch bizarre, as it does not ask if it is possible to park on the local highway nearby.

4.0 RESIDENTIAL DEVELOPMENT

Local Plan Policy

LP 1 (Local Character and Design Quality)

A. 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.

To ensure development respects, contributes to and enhances the local environment and character the following will be considered when assessing the proposals;

- 1. Compatibility with local character including the relationship to existing townscape, development patterns;*
- 3. Layout, siting and access*
- 4. Space between buildings*

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

The Design and Access Statement prepared by Clive Chapman Architects describes the rear part of the residential block as '*a curved mews*' [6.2]

Rear mews houses are not reflective of local development patterns or of the existing long-established townscape. The flat roof and modern-style slit windows have little relationship with the prevailing surrounding character, if any. The overall resulting appearance would be of an overbearing, dominant and incongruous façade,

LP 8 (Amenity and Living Conditions)

All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. The Council will:

1. Ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible;

3. Ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure;

4. Ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.

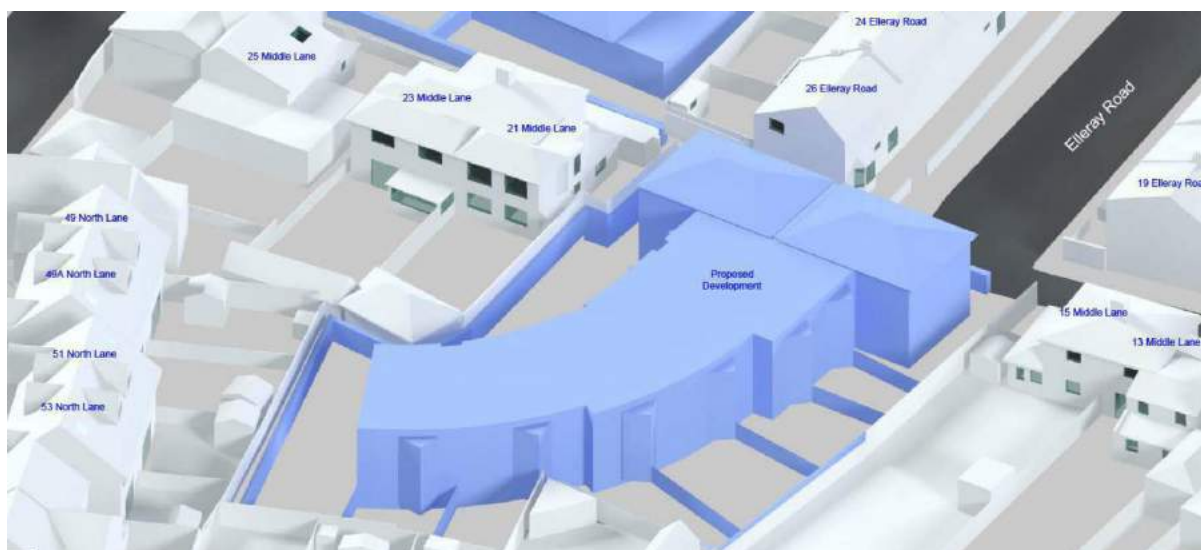
Neither the Planning Statement nor the three-part Design and Access Statement consider this policy at all. This is a significant omission considering the concerns of neighbours about the proposed development and its potential impact on their own amenity and that of the prospective occupiers.

Image 1 overleaf reproduced from the Sunlight and Daylight Assessment of Neighbouring Properties prepared by Right of Light Consulting leaves no doubt about both the bulk of the proposed building and its proximity to numerous neighbouring properties and gardens. It is visually intrusive and overbearing.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

Image 1: Sunlight and Daylight Assessment (Neighbouring Properties), Appendix 1



LP 22 (Sustainable Design and Construction)

Sustainable Design and Construction

A. Developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. Applicants will be required to complete the following:

1. Development of 1 dwelling unit or more, or 100sqm or more of non-residential floor space (including extensions) will be required to complete the Sustainable Construction Checklist SPD. A completed Checklist has to be submitted as part of the planning application.

- ✓ Sustainability checklists submitted for both Community Centre and Residential Development
- 2. Development that results in a new residential dwelling, including conversions, change of use, and extensions that result in a new dwelling unit, will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day for homes (including an allowance of 5 litres or less per person per day for external water consumption).
- ✓ Energy Assessment Report confirms **water efficiency calculation of 93.1 litres person per day on average per each new dwelling.**

Reducing Carbon Dioxide Emissions

B. Developers are required to incorporate measures to improve energy conservation and efficiency as well as contributions to renewable and low carbon energy generation. Proposed developments are required to meet the following minimum reductions in carbon dioxide emissions:

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

- 1. All new major residential developments (10 units or more) should achieve zero carbon standards in line with London Plan policy.*

The Energy and Sustainability Report for the proposed housing development prepared by Clive Chapman Architects (and dated May 2021) notes that *a carbon shortfall is identified at approximately 7.296 tonnes CO2 per year. [4.4]. A carbon offset payment of £20,794 is proposed.*

The Council is the applicant here – is this not a case of the Council paying itself?

A total of 45 PV arrays is proposed. The Sustainability and Energy Report justifies not making maximum use of solar panels on site as follows:

This is considered an optimal balanced proposal for the scale and location of development, whereas an additional exercise showed that maximum number of PV arrays of 83no. could be incorporated at the full extent of roof surface available achieving -86.7% on-site CO2 offset via renewables. In this scenario the monetary contribution would be less and larger investment in technology would be imposed on developers.

The Proposed Roof Plan (see overleaf) confirms that a large amount of space would be available for additional solar provision. The Council has missed the opportunity to showcase best practice above and beyond planning policy requirements. The importance of this has been elevated by the Intergovernmental Panel on Climate Change report published on 9th August, and further to the climate emergency declaration by LBRuT:

In July 2019, Richmond Council declared a Climate Emergency, committing to working towards becoming carbon neutral by 2030.

Reducing our borough's carbon emissions will require changes to the way we live and work, and changes from government and business. But change isn't necessarily a bad thing; this is also a unique opportunity to improve our quality of life and create a borough that's healthier, better to live in and fairer for everyone.

We need to be ambitious to combat climate change and reduce air pollution.

https://www.richmond.gov.uk/news/press_office/campaigns_and_events/climate_emergency/how_we_can_tackle_climate_change

If 83 PV arrays can be incorporated on-site, then they should be, LBRuT should not be able to pay itself out of this, or is this case of Richmond preaching but not acting.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

Proposed Roof Plan (illustrating Solar Panels) (Clive Chapman Architects)



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- B. *To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will:*
- 1. resist the loss of trees including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice;*
 - 2. require, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the*

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

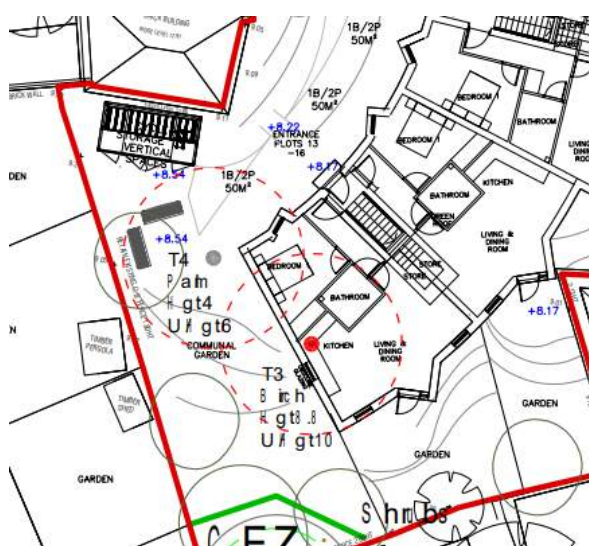
Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

monetary value of the existing tree to be felled will be required in line with the 'Capital Asset Value for Amenity Trees' (CAVAT);

4. require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native species is encouraged where appropriate

The Arboricultural Impact Assessment notes that one Category C tree will be removed for development purposes, and one Category U tree removed for arboricultural reasons, as follows:

- T4 Palm (Cat C)
- T3 (Birch) Cat U



Replacement trees, Silver Birch, Rowan, Crab Apple and Laxton's Superb are all trees native to the UK / northern hemisphere, particularly more so than the palm that will be lost.

LP 35 (Housing Mix)

A. Development should generally provide family sized accommodation, except within the five main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. The housing mix should be appropriate to the site's specific location.

No family-sized units are provided. The site is located outside the designated Teddington Town Centre, and the prevailing character of the locality is that of family housing. The mix of 14 one-bedroom units and 2 two-bedroom units is, therefore, considered inappropriate.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

The Planning Statement attempts to justify the absence of family housing and the unit mix of the application scheme as follows:

*It is acknowledged that the proposed housing mix is entirely smaller units, with no family sized accommodation. However, having regard to the edge of centre location of the site, its proximity to public transport services and **the very limited on-street parking provision**, the provision of a large number of small, all affordable units in this location is appropriate. [6.25]*

There is very limited on-street parking provision in the locality. Elleray Hall has a public transport accessibility rating ('PTAL') of 3 'Moderate'. Whereas bus stops on Broad Street are about 120 metres walk, Teddington station is about 530 metres walk. 16 new homes with no on-site provision would represent a negative to existing residents.

C. All new housing development, including conversions, should provide adequate external space. Purpose built, well designed and positioned balconies or terraces are encouraged where new residential units are on upper floors, if they comply with policy LP8 Amenity and Living Conditions.

No balconies are provided for the upper floor units, including the larger 2 bedroom flats. These requirements of this aspect of Policy are, therefore, not met.

The Planning Statement attempts to justify the lack of balconies as follows:

Additionally, all of the ground floor units would benefit from generously proportioned private gardens, whilst the upper floor units would benefit from a communal garden located close to the south-western corner of the site. [6.22]

It would not be appropriate to provide private amenity space to the upper floor units by way of either roof terraces or balconies as this could give risk to unacceptable loss of amenity, in terms of either loss of privacy or overlooking suffered by either the occupiers of the ground floor units or the occupiers of existing neighbouring residential properties. [6.23]

This indirectly recognises that the building is too close to neighbouring properties and indicative that the site is too small for the level of flatted development proposed.

The lack of provision of external amenity space will be unattractive to registered social landlords ('registered providers').

*D. Amenity space for all new dwellings, including conversions should be:
d. of a sufficient size to meet the likely number of occupiers*

The 2 bedroom units do not have amenity space provision of a sufficient size for the number of likely occupants.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

LP 36 (Affordable Housing)

A. *The Council expects:*

- a. *50% of all housing units will be affordable housing, this 50% will comprise a tenure mix of 40% of the affordable housing for rent and 10% of the affordable intermediate housing*

The application scheme is described as 100% affordable, but no detail is given to what this actually means.

- b. *the affordable housing mix should reflect the need for larger rented family units and the Council's guidance on tenure and affordability, based on engagement with a Registered Provider to maximise delivery.*

No family sized units are provided and no detail of a Registered Provider is given.

Where on-site provision is required, an application should be accompanied by evidence of meaningful discussions with a Registered Provider which have informed the proposed tenure, size of units and design to address local priorities and explored funding opportunities.

No detail of engagement with any Registered Provider.

LP 45 (Parking Standards and Servicing)

The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimizing the impact of car based travel. It will achieve this by;

1. *Requiring new development to provide for car, cycle, 2 wheel and where applicable lorry parking and electric vehicle charging points, in accordance with the standards set out in appendix 3.*

(Local Plan Appendix 3 (Parking Standards) requires 1 space per unit for 1-2 bedroom residential development in PTAL 3 areas and 2 spaces per unit for 3 plus bedroom residential development.)

The proposal provides only a single disabled parking space, contrary to this policy.

The Transport Assessment attempts to justify the parking provision as follows:

In accordance with the Council's residential parking policy requirements, the development can provide up to a maximum of one parking space per one or two-bedroom dwelling and up to two spaces per three or more-bedroom dwelling. The residential aspect of the development should therefore provide no more than 16 off-street car parking spaces. [6.6]

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

The provision of one parking space under the proposal is within the Council's adopted maximum parking standards and can therefore be deemed to be compliant with policy requirements. [6.7]

This is an odd interpretation of the application of the standards set out in Appendix 3 to the Local Plan (noted below). Nowhere within Appendix 3 (nor under Policy LP45) does it state the standards are maximum. It is quite clear that 1- and 2-bedroom units in development with a PTAL of 3 should provide one space. This cannot be interpreted as providing a definitive basis for a proposition that 1 space is adequate for a development comprising 16 1- and 2- bedroom flats.

LAND USE	PARKING STANDARD
RESIDENTIAL (including conversion/extension of existing)	
	PTALs 0-3: 1- 2 bedrooms, 1 space
	PTALs 0-3: 3+ bedrooms, 2 spaces
	PTALs 4-6: as per London Plan although local circumstances, CPZ times and on-street parking conditions will need to be assessed.

This view is confirmed by Local Plan paragraph 11.2.3 which states:

*Developers may only provide fewer parking spaces, including car free schemes, if they can demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability, amenity, street scene, road safety or emergency access in the surrounding area, as a result of the generation of unacceptable overspill of onstreet parking in the vicinity. **In general it is expected that in PTAL areas of 0-3 the standards should be met.***

PTAL is only 3 'Moderate'.

The Transport Assessment at [5.17] states that on-street parking stress will increase from 68% to 73% as a consequence of the displacement of 8 parking spaces from the North Lane (East) car park. It seems likely that parking stress would increase further as a consequence of one or more occupiers of the proposed flats having a car. The Transport Assessment appears to rely on all occupiers (or the Registered Provider on their behalf) agreeing that they will not be entitled to apply for a Resident's Parking Permit.

Deliveries

The Transport Assessment states:

It's proposed that deliveries and servicing trips for the proposed residential development are carried out on- street as per the existing arrangement for the neighbouring residential properties. [7.12]

16 residential units is a substantial addition and cannot be compared to the existing situation at Elleray Hall where access by delivery and servicing vehicles is minimal.

ELLERAY HALL PLANNING APPLICATION ASSESSMENT AGAINST RICHMOND LOCAL PLAN POLICY

Former North Lane Depot, East Car Park & Elleray Hall Day Centre, Middle Lane

5.0 Additional General Comments on the Planning Statement

The Design and Access Statement prepared by Clive Chapman Architects sets out the rationale behind the design, siting and mass of both of the proposed buildings, demonstrating how the proposals have been sensitively designed to respect and complement both the built form, character and appearance of its wider surroundings. [6.27]

The claim that the proposal housing development is sensitively designed is fallacious and tendentious. The claim does not seem to be extended to the regard had for effect on the amenity of neighbours.

The scale, mass and height of the proposed buildings are in keeping with their surroundings, and in the case of the Elleray Hall site, the footprint of the proposed residential development is smaller than that of the existing extended building and associated detached buildings. [6.28]

The prevailing character is of small, residential houses often of great charm and historical interest, with small back gardens. Even if the footprint is smaller, the scale, mass and height of the proposed residential building reflects that of a block of flats and would be substantially larger than any surrounding building.

Similarly, the bulk and siting of the proposed buildings ensures that there is no unacceptable impact, in terms of loss of daylight or sunlight, upon any habitable room within existing neighbouring properties. [6.32]

The bulk of the proposed building is considerable. The Sunlight and Daylight Assessment of impact on neighbouring properties should have been informed by detailed assessment of room sizes and window locations from on-site inspections agreed with the owners of those properties. Instead, a desk-top assessment only has been relied on for this critically important component of the evaluation of impact.



13th August 2021