

Place Division / Development Management

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Mr Avery
WEA Planning
2nd Floor, 14 Windermere Road
Islington
London
N19 5SG

Letter Printed 14 November 2024

FOR DECISION DATED
14 November 2024

Dear Sir/Madam

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

Application: 24/1496/FUL
Your ref: 2024_9 MOT Garage 42-44 Arund...
Our ref: DC/KEM/24/1496/FUL/FUL
Applicant: Mr Benjamin Spriggs-Coe
Agent: Mr Avery

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **13 June 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

42 - 44 Arundel Terrace Barnes London

for

Change of use from Class B8 to Class B2 (proposed use is an MOT test centre and a car servicing and repair garage).

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

Yours faithfully

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

Robert Angus
Head of Development Management

SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 24/1496/FUL

APPLICANT NAME

Mr Benjamin Spriggs-Coe
44A Munster Road
Fulham
London
SW6 4EW

AGENT NAME

Mr Avery
2nd Floor, 14 Windermere Road
Islington
London
N19 5SG

SITE

42 - 44 Arundel Terrace Barnes London

PROPOSAL

Change of use from Class B8 to Class B2 (proposed use is an MOT test centre and a car servicing and repair garage).

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

U0192889	AT01 Development begun within 3 years
U0192890	DV48 Approved Plans
U0192891	NS01 Materials as Exg/Submitted
U0192892	NS02 Parking Permits Restriction - GRAMP
U0192893	NS03 Details of Internal Shutter Door
U0192894	NS04 Benefit of Applicant Occupying
U0192895	NS05 Activity Condition - Building Use
U0192896	NS06 Restricted Working Hours
U0192897	NS07 Noise Levels
U0192898	NS08 No Works on Forecourt
U0192899	NS09 No Panel Beating/Spraying
U0192900	NS10 Fire Doors - Kept Shut
U0192901	NS11 Single MOT Bay
U0192902	NS12 Waste Engine Oil
U0192903	NS13 Energy Statement
U0192904	NS14 Fire Safety

INFORMATIVES

U0095733	IL02 Advertisements
U0095737	COMH09 Composite Informative
U0095738	IL25D NPPF APPROVAL - Para. 38-42
U0095739	BNG02 Biodiversity Gain Plan No Pre-Ap

DETAILED CONDITIONS AND INFORMATIVES

DETAILED CONDITIONS

U0192889 AT01 Development begun within 3 years

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

U0192890 DV48 Approved Plans

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

Location Plan, PL-01, PL-05, Planning Design and Access Statement & Waste Management received on 13 Jun 2024.

PL-04 received on 04 Jul 2024.

PL-02 1 & PL-03 1 received on 11 Sep 2024.

Transport Statement Addendum, dated October 2024 & Planning Addendum, dated October 2024 received on 21 Oct 2024.

Photo of fire door received 04 Nov 2024

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

U0192891 NS01 Materials as Exg/Submitted

No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.

REASON: To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality.

U0192892 NS02 Parking Permits Restriction - GRAMP

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 commercial occupier of the development shall obtain a commercial parking permit within any controlled parking zone which may be in force in the area at any time.

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

U0192893 NS03 Details of Internal Shutter Door

Notwithstanding the approved plans, full details of the internal shutter doors including sound reduction index shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of use. The internal shutter door shall be implemented in accordance with these approved details and maintained as approved thereafter and remain closed during workshop operations except for access.

REASON: To ensure that the proposed use would not lead to an unacceptable loss of amenity in terms of noise.

U0192894 NS04 Benefit of Applicant Occupying

This permission shall enure for the benefit of Mr Benjamin Spriggs-Coe and/or Mrs Spriggs-Coe only and for only such period of time as they may be occupying the

premises and the permission shall not enure for the benefit of the land nor of any other person(s). Upon cessation of the use by Mr Benjamin Spriggs-Coe and/or Mrs Spriggs-Coe, the lawful use of the site shall revert to B8.

REASON: To ensure that the proposed use would not lead to an unacceptable loss of amenity or impact on highways.

U0192895 NS05 Activity Condition - Building Use

The building shall be used for a car repair, servicing and MOT centre/workshop only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To protect the amenity of occupiers of nearby properties.

U0192896 NS06 Restricted Working Hours

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 on the premises other than during the hours of 08:30 to 17:30 Monday to Friday (other than in exceptional circumstances) with the exception of ancillary office work to carry out any operational or administrative functions.

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

U0192897 NS07 Noise Levels

The cumulative measured or calculated rating level of noise emitted from representative activity and equipment noise related to the use of the automotive centre to which the application refers shall be below the existing background noise level, as detailed in the submission prepared by K Acoustic Consultants LTD Ref. 10863/AW and dated 29th May 2024 at all times that the automotive centre operates. The measured or calculated noise levels shall be determined at the shared site boundary with the nearest ground floor noise sensitive residences or 1 metre from the facade of the nearest first floor (or higher) noise sensitive residences, and in accordance to the latest British Standard 4142.

REASON: To protect the amenities of neighbouring occupiers.

U0192898 NS08 No Works on Forecourt

No car servicing, works to vehicles, or MOT testing shall occur at the site, other than inside the approved garage workshop.

REASON: To ensure that the proposed use would not lead to an unacceptable loss of amenity in terms of noise.

U0192899 NS09 No Panel Beating/Spraying

The premises shall at no time be used for any purpose involving panel beating or the use of paint spraying equipment.

REASON: To ensure that the proposed use would not lead to an unacceptable loss of amenity in terms of noise.

U0192900 NS10 Fire Doors - Kept Shut

The fire doors at the property shall at all times be kept shut and shall not be used for access to or from the building except in cases of emergency and/or for maintenance purposes, when the workshop is operational. The windows to the workshop area shall at all times be kept shut when the workshop is operational.

REASON: To safeguard the amenities of the adjoining occupiers.

U0192901 NS11 Single MOT Bay

A maximum of a single MOT bay as indicated on the approved plans shall be created and no additional MOT bays shall be created.

REASON: To ensure that the proposed use would not lead to an unacceptable loss of amenity in terms of noise.

U0192902 NS12 Waste Engine Oil

No burning of waste engine oil shall take place on site at any time.

REASON: To protect air quality within the area.

U0192903 NS13 Energy Statement

The development must be carried out in accordance with the provisions of the Energy Statement received 13 Jun 2024 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of energy conservation in accordance with the Councils sustainability policies.

U0192904 NS14 Fire Safety

The development must be carried out in accordance with the provisions of the 'Fire Safety Statement' and 'Fire Safety Layout plan' received 13 Jun 2024 unless otherwise approved in writing by the Local Planning Authority.

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

DETAILED INFORMATIVES

U0095733 IL02 Advertisements

The applicant is advised of the need to obtain separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is to display on these premises.

U0095737 COMH09 Composite Informative

Reason for granting:

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

Principal Policies:

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

Local Plan Policies: LP1, LP3, LP4, LP8, LP10, LP21, LP40, LP42, LP44 & LP45
Supplementary Planning Guidance: Development Control for Noise Generating and Noise Sensitive Development, Transport & Barnes Village Planning Guidance
CA25 Castelnau Conservation Area Statement & CA25 Castelnau Conservation Area Study

Building Regulations:

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

Damage to the public highway:

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

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

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

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

Noise control - Building sites:

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

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

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

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

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

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

U0095738 IL25D NPPF APPROVAL - Para. 38-42

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

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

In this instance:

o The application was recommended for approval and referred to the first available Planning Committee, where the agents / applicants had an opportunity to present the case.

U0095739 BNG02 Biodiversity Gain Plan No Pre-Ap

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

Biodiversity Net Gain

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

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

Irreplaceable habitat

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

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

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

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

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

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

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements

made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION
24/1496/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

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

Type of appeal:

Planning Application

Appeal time:

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

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

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

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

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

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

Written procedure:

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

Hearing procedure:

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

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

Inquiry procedure:

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

Making your views known on someone else's appeal:

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

Costs:

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

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

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

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

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