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9<sup>th</sup> July 2013

Dear Sirs

## **Denmead Preparatory School, Gloucester Road, Hampton Application Ref. 13/2102/FUL**

I am instructed by Alison Edwards, the owner/occupier of 24 Wensleydale Gardens, a residential property immediately adjoining the southern boundary of Denmead Preparatory School, in connection with the above planning application.

### **The Previous Planning Application**

You will be aware that planning permission was refused in December 2012 for an almost identical proposal - LBRoT application ref 11/4125/FUL - on the grounds that:

*"The proposal, involving an additional 32 pupils, would result in an increase in traffic levels along heavily parked residential roads adjacent to the school, which together with the limited access to the school, would result in increased traffic and associated movements leading to conditions prejudicial to highway safety at times when vulnerable users would be present and using the roads and footways and noise and disturbance to neighbouring residents. As such, the proposal is contrary to policies DM TP 2 & DM DC 5 of the Council's Development Management Plan."*

### **Planning Policy Context**

As with the previous application, the revised proposal must be determined in the light of the adopted development plan policies for the area, as set out in:

- Richmond Core Strategy [CS];
- Richmond Development Management Plan [DMP]; and
- The London Plan [LP].

The most relevant policies are those contained in the DMP – particularly Policies DM PT 2 and DM DC 5, as referenced in the previous reason for refusal. Consideration should also be given to the National Planning Policy Framework [para 74] which is specifically concerned about the loss of playing fields and open space.

## The Revised Proposals

The only material differences between the current application and the previous scheme are:

- 1) removal of the specific reference to an increase in pupil numbers;
- 2) amendment to the configuration of the emergency/construction access within the site; and
- 3) replacement of the existing school hall, previously to be integrated within the new building.

I do not consider that these changes overcome the Council's previous reason for refusal, or my client's other pertinent objections to the proposed redevelopment.

The size and scale of the new buildings has not changed; they still have the capacity to easily accommodate more than the current 144 pupils, the previous application having specified an increase in the school roll to 176.

I believe that that the removal of any reference to an increase in pupil numbers to be deliberately misleading because an increase in pupils – and their associated tuition fees – is realistically the only way in which the redevelopment of the site can be justified. Indeed, the school's intentions are revealed in the Supporting Planning Statement: *".....the School will then be able to discuss with the Council whether, in the future, any increases in pupils can be justified against the criteria of development plan policies, and if so, by how many."* [Paragraph 3.9]

**I consider that this matter must be clarified before the revised application is determined, in order to provide transparency and certainty for elected members and local residents.**

**In addition, I note that it is difficult to assess the potential impact of the proposed buildings and ancillary facilities because the scale bars on most of the submitted drawings are inaccurate. This error must be corrected before the application can be determined.**

## The Objections

Having considered the revised proposals and the supporting documentation, on behalf of my client, I raise object to the current planning application on the following grounds:

- a) The reduction in highway safety, particularly arising from the creation and use of the new construction and emergency access from Wensleydale Gardens.
- b) The reduction in the extent of the school playing fields, resulting in an adverse impact on the designated Other Open Land of Townscape Importance [OOLTI].
- c) The bulk and external appearance of the proposed two-storey building.
- d) The adverse effect on residential amenities, particularly loss of privacy and increased noise & disturbance.

**The objections made under items a), b) & c) are general planning policy objections, while the objection under ground d) is specific to the likely adverse impact of the redevelopment proposals on the residential amenities currently enjoyed by the occupiers of the immediately adjoining properties in Wensleydale Gardens, including my client's property, No.24.**

## a) Highway and Traffic Issues

The applicant's continuing attempts to find an alternative access for construction and emergency vehicles is a clear indication that the site is not physically capable of accommodating this excessive expansion of the school's capacity and facilities.

The previous planning application was principally refused on highway safety grounds, i.e. that it would:

*".....result in an increase in traffic levels along heavily parked residential roads adjacent to the school, which together with the limited access to the school, would result in increased traffic and associated movements leading to conditions prejudicial to highway safety at times when vulnerable users would be present and using the roads and footways..."*

For the residents of the surrounding area - including Wensleydale Gardens - that situation will remain the same with the revised application, particularly if the new construction and emergency access from that residential cul-de-sac is created and thereafter permanently maintained, as is proposed.

**London Plan Policy 6.3** is concerned with the impact of new development on the local transport network. Policy 6.3A states:

*"Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network."* [our emphasis]

Policy 6.3B continues:

*"Where existing transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans exist for an increase in capacity to cater for this, boroughs should ensure that development proposals are phased until it is known these requirements can be met, otherwise they may be refused."* [our emphasis]

The Transport Statement submitted with the report notably does not consider the likely impact of the proposed development upon highway or pedestrian safety issues in Wensleydale Gardens, Carlisle Road and Scotts Drive. Inevitably, the proposed development would result in increased traffic movements on these already heavily-parked residential roads in the vicinity of the school, as well as in Gloucester Road, leading to conditions prejudicial to highway safety, particularly at peak times when vulnerable users would be using the roads and footways.

Presently, there is no access for vehicles or pedestrians into the school site from Wensleydale Gardens which was designed to a standard appropriate for a residential cul-de-sac. Opening up a new vehicular access from this road will obviously cause unnecessary disturbance to residents and will have highway safety implications. In addition, there is pedestrian access into Carlisle Park from Wensleydale Gardens and thence to the rear entrance into Denmead School, which is used as part of the school's 'Park and Stride' safe route to school.

Clearly, any increase in traffic movements on Wensleydale Gardens will reduce pupils' and parents' safety in that area and discourage parents from using this route. Therefore, the previous highway safety reason for refusal remains pertinent.

RGP – Transport Planning & Infrastructure Design Consultants - have been commissioned to produce a report that critically reviews the Transport Statement prepared by SKM Colin Buchanan in support of the revised planning application. A copy of the RGP report is attached as an Appendix to this letter.

RGP note [at paragraph 2.4] that the applicant's parking survey did not take into account areas of local highway immediately adjacent to the school including Wensleydale Gardens, Carlisle Road and Scotts Drive, each of which experience parking during the AM drop-off and PM pick-up periods. Furthermore, the parking survey conducted along Wensleydale Road only included an area of highway 100 metres either side of the school's access.

The omission of these adjoining streets represents a significant weakness in the parking survey methodology, since the data provides only a limited view of the actual parking behaviour associated with parents dropping-off and picking-up pupils at the school. Furthermore, the RGP report concludes [paragraph 2.9] that any increase in the number of pupils attending the School, is likely to exert greater demand on the physical parking capacity along Gloucester Road.

At present, the only vehicular, and principal pedestrian, access to the site is from Gloucester Road. The amended application specifically takes the opportunity to improve this access by replacing the school hall to remove the existing pinch-point at the entrance into the main body of the site created by the unfortunate siting of that building. That significant proposed improvement means that service and emergency vehicles would be able to access the site safely from Gloucester Road, thereby negating the need to provide a permanent alternative means of access from Wensleydale Gardens, as proposed.

Following a review of the swept path analyses in the Transport Statement, RGP [paragraphs 2.23-2.27] note that these are not based on the proposed site layout plan. In addition, it is noted that the Planning Statement states that the footprint of the new building has been "*.....repositioned at the entrance gate, allowing better access into the site.*" The provision of this improved access undermines the principal argument supporting the need for the creation of an emergency vehicle access from Wensleydale Gardens, because the improved Gloucester Road access would be of sufficient width to satisfy the Building Regulations.

As the above basis, I conclude that the application still fails to satisfy the development principles in DMP Policy DM TP 2 & London Plan Policy 6.3, particularly as it is clear from the submitted Planning Statement – *see above* - that the school is likely to seek an increase in pupil numbers in order to justify the site's redevelopment, as per the previous refused planning application.

To summarise, the critical highway and pedestrian safety issues have not been resolved by the revised application.

#### b) Impact on the Other Open Land of Townscape Importance [OOLTI]

The entire application site – including the existing buildings - and the adjoining Carlisle Park is designated as OOLTI on the Proposals Map that forms part of the CS & DMP. As such, the policy presumption is in favour of the preservation and enhancement of the open space.

CS Policy CP10 states:

*"The Borough's green belt, metropolitan open land and other open land of townscape importance, World Heritage Site (Royal Botanic Gardens, Kew), land on the Register of Parks and Gardens of Special Historic Interest, green chains and green corridors will be safeguarded and improved for biodiversity, sport and recreation and heritage, and for visual reasons."*

Building on that strategic objective, DMP Policy DM OS 3 states:

*“Other open areas that are of townscape importance will be protected and enhanced in open use.*

*It will be recognised that there may be exceptional cases where appropriate development is acceptable.*

*The following criteria must be taken into account when assessing appropriate development:*

- 1. It must be linked to the functional use of the Other Open Land of Townscape Importance; or*
- 2. It can only be a replacement or minor extension of existing built facilities;*
- 3. In addition to 1 or 2, it does not harm the character and openness of the open land.”*

A comparison between the existing and proposed site layouts clearly illustrates that criterion [3] above is not satisfied by the current application scheme – i.e. it will clearly cause harm to the character and openness of the open land.

At present, the school comprises a concentrated group of single-storey buildings – some of temporary appearance and construction – in the north-east corner of the site, with the remainder being laid out as turf games pitches for cricket and football. The proposed layout replaces those low-key single-storey buildings with a large 2-storey structure, resulting in a substantial increase in the amount of hardstanding and a commensurate reduction in the grassed area, exacerbated by the replacement of one of the existing grass pitches by 2 x hard-surfaced MUGAs.

On that basis, I maintain that the principle of CS Policy CP 10 and DMP Policy DM OS 3 is compromised by the proposed development: i.e. it will not protect or enhance the OOLTI and will cause material harm to its character and openness.

### c) Inappropriate Scale & Appearance.

The existing layout comprises a concentrated group of single-storey buildings in the north-east corner of the site, with the remainder being laid out as grass pitches. [Indeed, we note that one of the existing classrooms is subject to a temporary planning permission that expired in December 2011].

In contrast to the small scale of the existing buildings, the proposed building is a substantial two-storey structure, c.8.0m high to the eaves, with a footprint of 42.5m x 17.4m, plus a rear single-storey element of 8.1m x 19.4m.

DMP Policy DM DC 1 is concerned with design quality. It states:

*“New development must be of a high architectural and urban design quality based on sustainable design principles. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively, to its surroundings based on a thorough understanding of the site and its context.*

*In assessing the design quality of a proposal the Council will have regard to the following:*

- compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form*
- sustainable development and adaptability, subject to aesthetic considerations layout and access*
- space between buildings and relationship to the public realm*
- detailing and materials.”*

In this particular case, the proposed building has an extremely modern external appearance, utilising grey brick, render and coloured panels which clearly does not respect the local character in Gloucester Road, Wensleydale Gardens and Scott Drive, which is typified by modest 2-storey family dwellings constructed principally from redbrick and tiles. This design approach demonstrates a failure to understand the site and its context.

Turning to the qualifying criteria in Policy DM DC 1, the proposed building:

- is not compatible with the local character, in terms of scale, height, massing & proportions;
- does not create an appropriate space between buildings; and
- employs inappropriate details and materials.

Consequently, the proposed application is not in accordance with DMP Policy DM DC 1.

#### d) Adverse Impact on Residential Amenity

As the owner/occupier of 24 Wensleydale Gardens, my client is concerned with the reduction in residential amenity that will result from the construction of a new 2-storey school building in close proximity to the rear of the property, in terms of: i) visual intrusion and ii) increased noise & disturbance.

DMP Policy DM DC 5 is concerned with the protection of residential amenity states:

*"In considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.*

The Supporting Planning Statement [paragraph 4.19] refers specifically to the relationship between the new building and the adjoining properties in Gloucester Road - where the nearest part of the former is a low single-storey projection - but not to the relationship with the nearest properties in Wensleydale Gardens, whose rear gardens will be dominated by a large 2-storey teaching block. The southern elevation of the new building is c17m from the boundary with 24 Wensleydale Gardens, leading to visual intrusion when using the private rear garden of that property.

Furthermore, the proposed layout shows that external teaching and recreation areas for pupils will be located in the area between the new building and the adjoining residential properties, including 2 x MUGAs, an ecology garden, allotments, outdoor teaching area and informal games court. The use of these areas by young pupils is likely to lead to a material loss of residential amenity due to noise and disturbance, particularly the new MUGAs, which will replace a turf playing field.

Consequently, the proposed development conflicts with Policy DM DC 5 by reason of a visual intrusion and increased noise & disturbance to the adjoining private rear gardens.

#### Planning Conditions

Notwithstanding the my client's fundamental objections to the application, should the Council be minded to grant planning permission, I respectfully ask that the following matters are addressed by imposing enforceable planning conditions and/or s.106 obligations requiring further details of the development to be subject to approval and public consultation:

- limiting the number of pupils to 144, as existing [as is suggested by the applicant];
- limiting the use of the new vehicular access from Wensleydale Gardens to the construction period only, rather than it being retained as an 'emergency access';
- ensuring the protection of existing boundary trees during construction and in the future;
- details of the type and location of any external lighting; and
- restricting hours of use of the premises, including the external teaching and amenity areas.

I will be pleased to discuss any of the matters raised above. Please include me on the list of consultees for any amendments to the application. I also record the intention of my client to speak at the Planning Committee meeting in due course.

Meanwhile, I would be grateful for your confirmation that the inaccuracies in the scale bars shown on the drawings will be addressed, as will the clarification of the school's intentions regarding future pupil numbers.

Yours sincerely  
**BELL CORNWELL LLP**

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