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# Appeal Decisions

Site visit made on 15 May 2013

**by Brendan Lyons BArch MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2013**

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**9-19 Paradise Road, Richmond, Surrey TW9 1RX**

**Appeals made by Henry Boot Developments Ltd against decisions of the Council of the London Borough of Richmond-upon-Thames**

**Appeal A: APP/L5810/A/12/2182268**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application Ref 11/3680/FUL, dated 10 November 2011, was refused by notice dated 24 February 2012.
  - The development proposed is demolition of the existing building (Premier and Suffield House) and the erection of a 78 bed hotel (2018.01 sqm).
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**Appeal B: APP/L5810/E/12/2182277**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant conservation area consent.
  - The application Ref 11/3681/CAC, dated 10 November 2011, was refused by notice dated 24 February 2012.
  - The demolition proposed is that of the existing building (Premier and Suffield House).
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**Appeal C: APP/L5810/A/12/2186855**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application Ref 12/1486/FUL, dated 9 May 2012, was refused by notice dated 15 October 2012.
  - The development proposed is demolition of the existing building (Premier and Suffield House) and the erection of a 78 bed hotel.
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**Appeal D: APP/L5810/E/12/2186859**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The application Ref 12/1487/CAC, dated 9 May 2012, was refused by notice dated 15 October 2012.
  - The demolition proposed is that of the existing building (Premier and Suffield House).
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## Decisions

1. Appeals A and B are dismissed.
2. Appeal C is allowed and planning permission is granted for demolition of the existing building (Premier and Suffield House) and the erection of a 78 bed hotel at 9-19 Paradise Road, Richmond, Surrey TW9 1RX, in accordance with the terms of the application Ref 12/1486/FUL dated 9 May 2012, subject to the conditions set out in the schedule annexed to these decisions.

3. Appeal D is allowed and conservation area consent granted for demolition of the existing building (Premier and Suffield House) at 9-19 Paradise Road, Richmond, Surrey TW9 1RX in accordance with the terms of the application Ref 12/1487/CAC, dated 9 May 2012, subject to the conditions set out in the schedule annexed to these decisions.

### **Background and preliminary matters**

4. The appeal site faces onto a main traffic route through the town centre of Richmond-upon-Thames. The site is occupied by two matching three-storey 1970s office buildings, which fill the long Paradise Road frontage and return onto the residential Halford Road. Diagonally opposite lies the parish church, which is a Grade II\* listed building. The vista along Halford Road is closed by Halford House, which is listed at Grade II. Other surrounding buildings, including the terraced houses on Halford Road and on the opposite side of Paradise Road and the Old Courthouse on Paradise Road are identified by the Council as buildings of townscape merit. The commercial core of the town centre, including the appeal site, has been designated as the Central Richmond Conservation Area.
5. The four appeals comprise two pairs, each pair relating to an application for conservation area consent for the demolition of the existing buildings on the site and an accompanying application for planning permission for the erection of a new hotel. The first pair of applications (now Appeals A and B) was submitted in November 2011. I shall refer to this proposal as 'Scheme 1' or 'the 2011 proposal'. The second pair (now Appeals C and D), to which I shall refer as 'Scheme 2' or 'the 2012 proposal', was submitted in May 2012.
6. The two schemes would be broadly similar. In each case, the proposed building would comprise a three-storey L-shaped block that would fill both street frontages, other than a narrow gap adjoining the Halford Street terrace. Ground floor projections to the rear would cover much of the site. The two lower floors would be mainly expressed in brickwork with individual window openings, but also broken by glazed elements at the centre of the long facade and at the corner. The top floor would be set back on the street frontages. The footprint of the building would come forward to the back of footway on the Paradise Road front and would virtually align with the front of the Halford Road houses.
7. Scheme 2 includes amendments to the design which were intended to overcome the Council's objections to Scheme 1. As part of Appeal A, the appellants have submitted a further set of plans showing how some of these same amendments and others could have been applied to Scheme 1. They have asked that Appeal A should be determined on the basis of the amended plans. The Council had the opportunity to respond to this submission but has chosen not to provide a statement or final comments for Appeals A and B. However, I am not satisfied that the many third parties who objected to the design of Scheme 1, including local residents and interest groups, have had adequate opportunity to react to these revised proposals, which would have merited re-notification had they been submitted prior to the Council's consideration of the original applications. Although the alternative plans were submitted with the appeal, interested parties would not have had reason to assume that the appeal would be determined on the basis of different proposals from those previously objected to. Therefore, while noting the

appellants' view that they were denied the chance to provide amendments at the appropriate time during the application process, I shall confine my assessment of Scheme 1 to the plans as refused by the Council.

8. Appeal C is accompanied by an executed unilateral undertaking as a deed of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). The obligation commits the appellants to a financial contribution of £3465 towards the cost of implementation and monitoring of transport improvements in the area. The appellants' statement indicated that a similar undertaking was to be provided for Appeal A, but this has not been received. The effect of and need for obligations is considered later in this decision.
9. An application for costs has been made by the appellants against the Council with regard to Appeals A and B only. That application is to be the subject of a separate decision.

### **Main Issues**

10. The main issue in Appeals B and D is the effect on the character or appearance of the conservation area of the demolition of the existing buildings on the site.
11. The main issue in Appeals A and C arising from the Council's reasons for refusal of the applications is the effect of the proposed development on the character and appearance of the conservation area and on the setting of nearby listed buildings and buildings of townscape merit.
12. Further issues in Appeal A relate to the effect of proposed servicing on the living conditions of adjoining residents on Halford Road and to the impact on local infrastructure.
13. Other issues raised by objectors to the proposals include: the effect on neighbouring residents with regard to noise and disturbance, daylight and overlooking; the adequacy of parking and servicing arrangements; the principle of development.

### **Reasons**

#### ***Character and appearance of the conservation area***

14. In considering a proposal for demolition or new development in a conservation area, the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. Section 66 of the Act requires that special regard must be had to the desirability of preserving a listed building or its setting.
15. National policy guidance set out in the National Planning Policy Framework ('the Framework') confirms the great weight in favour of the conservation of 'heritage assets' such as listed buildings and conservation areas. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed. Any harm should require clear and convincing justification.
16. This approach to change in the historic environment is consistent with the Framework's strong support for good design in all contexts. The Framework

advises that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

17. The historical development and present-day character of the conservation area are outlined in the Council's appraisal document. It is clear that the area has evolved to provide a typically rich mix of town centre uses, with a varied townscape that includes some important buildings and spaces, such as the parish church and its churchyard. A pattern of successive redevelopment of frontages has been characteristic of the area.
18. This particular stretch of Paradise Road retains elements of its historic character in the form of the Old Courthouse and the houses on the north side but these are dominated by the scale and treatment of the large office building at the corner of Eton Street. The enclosure of the street space is weakened by the wide gaps on the north side and by the set back of the buildings on the appeal site. The long length of the strongly repetitive reflective facade treatment of the buildings on the appeal site provides a further discordant element.
19. Conservation area consent for the demolition of the existing buildings on the appeal site and planning permission for their replacement with a new three-storey office building were approved on appeal in March 2008 (not 2009 as stated by the appellants)<sup>1</sup>. Planning permission for a revised form of similarly scaled office development was subsequently granted by the Council in July 2010<sup>2</sup> and is said to remain live at this time. The existence of these consents and the considerations that underpinned them are material to the present appeals. However, in the light of the appellants' supporting report on the current market for office space, it appears unlikely that the permitted scheme would provide a fallback position with a realistic prospect of implementation.

#### Conservation area consent

20. It is not disputed that because of their form and treatment the existing buildings do not make a positive contribution to the significance of the conservation area. This is explicitly acknowledged in the Council's identical reason for refusal of the two conservation area consent applications. It was also accepted by the Inspector in the 2008 decisions. I agree that the demolition of the buildings would be acceptable in principle, subject to their replacement by a well-designed alternative that would preserve or enhance the character or appearance of the area. To avoid any damaging gap in the street scene, a condition was attached to the 2008 consent to prevent commencement of demolition until it was sure that approved redevelopment was ready to proceed. A similar condition could be applied in this instance. The outcome of Appeals B and D is therefore contingent on the decisions in Appeals A and C.

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<sup>1</sup> Appeals Ref. APP/L5810/E/07/2055733 and APP/L5810/A/07/2055734

<sup>2</sup> Planning permission Ref. 09/1400/FUL

## Scheme 1

21. The 2008 scheme would have filled the street frontages with a brick building, expressed largely as a two-storey base with a series of forward projections, and a set-back top floor. The entrance to the building would have been located in the prominent rather bulky corner tower feature. This basic form was refined in the 2010 scheme, but with a flat-fronted brick base punctured by window openings and the top floor treated as a curtain wall. The entrance was to be moved to the centre of the long facade and to be marked by a vertical glazed feature, recessed between the brick elements but breaking forward of and above the top floor to form a small tower. The corner of the building was also to be marked by a slightly lower glazed corner tower.
22. The appeal proposals relate in many respects to the 2010 design. Although the dimensions would vary slightly, the stepped profile of the street elevations would be broadly similar. I agree that, subject to appropriate materials and detailing, this approach could provide a successful solution to the development of the site. The perceived two-storey scale of the solid base would better reflect that of the Old Courthouse and the houses opposite, while the proposed alignment at the site boundary would provide better visual enclosure of the street space. The Council raises no objection to the bringing forward of the building line, which had been accepted in the 2008 appeal decision. I agree with that Inspector that the effect of the slightly reduced views of the Old Courthouse would not be harmful.
23. The treatment of brickwork and window openings on the Paradise Road front would also echo the 2010 design, with windows set in reconstituted stone surrounds, some of which would be expressed as double-height. However, the earlier design proposed a regular pattern of paired openings and a consistency of treatment, including a simple main central subdivision of each window. By contrast, the appeal proposal would display a mix of different shapes and sizes of openings, with no clear rhythm to their spacing and, on the ground floor, a variety of heights and patterns of subdivision. The effect of the double-height openings would be weakened by being cut across by the first floor string course, which would form a strong horizontal feature of the façade design.
24. In the earlier design, the top floor was to be treated as a curtain wall, with a regular rhythm reflecting the structural grid. In the appeal proposal, there would be an irregular pattern of timber cladding inserts between rows of clear and obscure glass windows, placed without any clear relationship with the windows below.
25. I also endorse the Council's concern about the treatment of the centre of the facade. The existing building breaks the long length of the frontage with a tall stair tower. Both of the earlier approved schemes also avoided an excessively long horizontal emphasis by breaking the length of the façade: in the 2008 scheme by regular projections, in the 2010 proposal by the central entrance tower feature. The appeal proposal has what might appear on elevation to be a strong centre provided by a similar tower feature, but in fact would consist of two floors of glazing, which would carry over virtually flush with the brickwork, while the top floor glazing would also be flush with the curtain wall to each side of it. As a result the strong horizontal lines of the facade would carry through unbroken, marked only by the change in material and the slightly raised height of the projecting cornice at roof level. The central feature would not

successfully break the elevation into two distinct parts, as stated by the appellants.

26. In the 2010 scheme the main entrance to the building was to be located in the centre, so that the glazed feature rising as a tower had a strong functional justification. The different treatment of the centre in the appeal proposal would lack such justification, but its central position and its width, which would be greater than the corner entrance tower, would overstate its importance. It would not successfully achieve the classical symmetry envisaged by the Design and Access Statement.
27. I also endorse most of the Council's criticisms of the Halford Road elevation. This would have a more diverse pattern of fenestration than the Paradise Road front. The glazed stair tower would compete visually with the main corner entrance tower, while its taller roof would give undue prominence to a relatively minor service element. The treatment of the top floor balcony would be uncoordinated, with partly glazed balustrades and the recessed curtain wall coming forward uncomfortably to the main wall face adjoining the corner tower. However, I do not agree that the ramped access to the linen service door, which would be marked only by a plain low wall similar in scale to a domestic garden wall, would appear particularly harmful in the street scene.
28. Subject to detailed specification, the Council's concerns about the use of opaque glass in conjunction with transparent glass could be alleviated. However, the use of plastic window frames and aluminium cladding would not be appropriate in relation to the setting, adjoining the buildings of townscape merit. The use of timber cladding would form an unnecessary and incongruous addition to the palette of materials on the principal fronts. The perimeter guard rails would form a clumsy termination to the edge of the roof.
29. For the above reasons I consider that the proposed building would not provide a satisfactorily resolved design solution that would produce a building of quality. The proposal would not preserve or enhance the character or appearance of the conservation area. The effect on the Halford Road street scene would have a minor adverse impact on the setting of Halford House, such as in the view from the churchyard opposite the site. The church itself would be sufficiently removed and screened by trees to avoid significant adverse effect on its setting.

### Scheme 2

30. The Council's objection to the design of Scheme 2 relates only to the proposed treatment of the corner feature at the junction of Paradise Road and Halford Road, where the main entrance to the building would be located. However, other parties maintain a more general opposition to the proposed design.
31. I share the Council's assessment that many of the amendments made to the design for Scheme 2 have addressed the reasons for objection to Scheme 1. The pattern of window openings on the Paradise Road front would be consistently organised in pairs set in notional bays in the brickwork defined by vertical recessed shadow lines. The windows would be set in reveal, with aluminium frames rather than plastic, and each subdivided by a central mullion as on the 2010 permission. The dominance of the horizontal string courses would be reduced, with the double-height window surrounds carrying through.

- The omission of timber cladding would simplify the range of materials and give greater simplicity to the top floor curtain wall, whose clear openings would relate better to the windows below.
32. The central glazed feature would no longer be crossed by the string courses, and would be recessed behind the face of the brickwork, so that it would form a more effective break in the facade. Although the facade design would still have a rather misplaced aspiration to classical symmetry, the central break would now be reduced in width and clearly secondary in significance to the corner entrance tower.
  33. The design of the Halford Road frontage would be greatly improved by the omission of the stair tower and by the consistency of treatment of window openings and top floor parapet. The scale and treatment of this elevation would have a satisfactory relationship with the front of the adjoining terrace.
  34. I do not endorse the Council's criticisms of the design of the corner tower itself. The additional width would benefit the feature, which should be of significance in signalling the main entrance. The fully glazed contemporary style of the tower would provide a suitable contrast to the more contextual brickwork. The tower would be recessed behind the brickwork on both fronts so that it would not dominate the brick base, but would rise above it and above the top floor to an appropriate height. The final selection of materials, including the framing system and a type of opaque glass to blend effectively with the transparent panes, could be addressed by means of a planning condition. The smooth metal treatment of the proposed cornice would complement the glazing, with the precise detail also subject to final approval by a condition.
  35. I accept that as currently illustrated, the proposed louvres would represent a slightly clumsy addition to the sheer glazing. However, the visualisation submitted with the appeal shows that there is considerable scope to vary the final treatment of the louvres and their framing, including their colour, number and spacing, within the scope of the submitted plans. The final details could again be approved by a condition.
  36. Certain aspects of the design that have attracted criticism, such as the lack of generosity to the main entrance and the relationship of ground floor rooms with the street would remain unresolved, but none of these matters either alone or cumulatively would be sufficient to justify dismissal of Appeal C. The building would not be an outstanding work of architecture but would form a relatively modest piece of urban fabric. It would be sufficiently responsive to its context to ensure that the character of the conservation area and the setting of nearby listed buildings and buildings of townscape merit were preserved, and that, compared with the existing building, the appearance of the conservation area was enhanced.
  37. For the reasons set out above, I conclude that, unlike the Appeal A proposal, the Appeal C proposal would comply with the guidance of the Framework and with the conservation and design objectives of Policies DM HD1, DM HD2, DM HD3 and DM DC1 of the London Borough of Richmond Upon Thames Development Management Plan (DMP), as well as to the more general environmental quality objectives of Policy CP7 of the Core Strategy (CS).

### **Other matters**

38. Other than one specific point in Appeal A about the location of the proposed linen store access, the Council has not rejected the proposals on the grounds of the effect on neighbours' living conditions, on access and parking and on the principle of development. Whilst I acknowledge the strength of the very real concerns expressed by many local residents and their Member of Parliament, with the exception of that one specific matter I broadly endorse the Council's assessment of these and other more minor issues, which are very similar in both Appeal A and Appeal C.

#### Residents' living conditions

##### *Noise and disturbance*

39. The specific concern raised by the Council's first reason for refusal of the Appeal A application refers to the potential effect of the proposed linen store access on nearby occupiers. The Council has clarified that the concern related to the likely increased use of Halford Road for servicing, but have not specified precisely what harm would be caused.
40. I agree that the use of Halford Road for servicing would not be ideal, not least for the effect on the free passage of vehicular and pedestrian traffic highlighted by objectors to the proposals. However, the appellants have confirmed that in the event of permission being granted they would be willing to agree a service management plan, secured by a planning condition, that would restrict service vehicles to the Paradise Road front only. Even in the event of some failure to observe this, the low number of linen deliveries forecast by the appellants would limit any noise and disturbance experienced by residents in their homes, and would not be significantly harmful.
41. Noise and disturbance created by the use of the hotel itself would be of greater concern. The existing building has many windows facing the rear of the Halford Road houses but also helps to screen these areas from the noise of Paradise Road. The significantly different pattern of activity associated with the proposed hotel use has the potential to cause greater noise and disturbance than an office use particularly at evenings and weekends. The appellants' submitted noise assessment assesses sound emanating from use of TVs in the proposed rear rooms and concludes that there would be a perceptible change in the noise environment at receptors in nearby dwellings. This conclusion is based on only three open windows of more than thirty proposed on the rear elevations, which I regard as an under-estimation. I do not share the appellants' view that due to the lack of on-site catering rooms would be unoccupied for a great part of the evening.
42. Thus it appears that a relatively normal pattern of usage of the building could produce a risk of significantly more disturbing noise breakout than forecast by the appellants. The Council's proposed condition that windows should be fixed shut at least to the rear of the building, would be reasonable and necessary. The appellants' suggestion of a restriction to an opening of ten inches would not prevent noise breakout and would have potential overlooking implications. I note that the noise assessment report suggests that rooms to front and side elevations will require special ventilation to protect occupants from the effects of external noise, so that opening windows would not be needed.



43. Noise arising at the front of the building, including that from the use of the entrance, would be concentrated on the already busy main road frontage. There could be a predicted minor perceptible change in the noise environment due to conversing guests, but the windows of any dwellings affected would be those facing the highway, where exposure to town centre activity and noise is to be expected, including that during the late evening and night-time. The effect on nearby residents of any additional disturbance arising from the proposed use should not be unacceptably harmful.
44. The evidence suggests that a scheme to ensure the effective mitigation of the sound of plant and equipment could be secured by a planning condition.

#### *Daylight and sunlight*

45. The building would be equivalent in height to the existing but without the tall towers. Its profile would be similar to but lower than the extant 2010 approval. The effect on properties facing the proposed building and to the rear with regard to light and outlook would be better than currently approved. The submitted daylight and sunlight report confirms that the development would not result in unacceptable adverse effects on light in those dwellings.

#### *Overlooking*

46. The existing building already overlooks rear-facing rooms and outdoor areas to the rear of the Halford Road houses. The intrusive effect on privacy of the office use would normally, but not necessarily, be restricted to conventional working hours. The proposed use should reduce the risk of constant daily overlooking but would potentially add more intermittent overlooking during evenings and weekends. There would thus be a balance of benefit even if no additional measures were proposed. The appellants' proposal to obscure outlook from rear-facing rooms would result in a net benefit to residents. The quality of the proposed accommodation would be reduced as a consequence, but as hotel stays are likely to be of short duration, the adverse effect on guests would be limited.
47. The Council accepts the proposed use of a proprietary film applied to the window glass that would allow some directional outlook from the hotel rooms while preventing direct overlooking of neighbouring properties. As a sample of this particular system has not yet been tested, the Council's proposed condition requires amendment to allow for alternatives, including if necessary conventional obscure glass.
48. For the above reasons I consider that both Scheme 1 and Scheme 2 would comply with DMP Policy DM DC5, which seeks to protect adjoining properties from unreasonable effects on living conditions.

#### Access and parking

49. The main concern raised by objectors relates to the lack of any on-site parking and the fear that visitors to the proposed hotel would add to pressure for parking in surrounding residential roads.
50. The site's location in an area of high public transport accessibility cannot be disputed. DMP Policy DM TP8 allows in such zones for parking provision below maximum standards. I agree with the appellants that lack of provision for on-

site parking is increasingly common in new town centre hotels. The success of this approach relies on the promotion of public transport in hotel publicity and on immediate proximity of public car parking that allows secure overnight stays, which can also be clearly publicised. Both of these would apply in the present case. Provision of inadequate on-site parking would only serve to encourage uncertainty in transport choices and encourage overspill parking.

51. Clear availability of secure parking is likely to be considerably more attractive to car users than searching narrow surrounding streets, heavily restricted by the Controlled Parking Zone (CPZ). On the evidence of similar operations, the maximum number of car trips is likely to be considerably lower than the number of hotel rooms provided. Given the time restrictions and penalties of the CPZ it is unlikely that hotel traffic would significantly add to existing pressure on available spaces.
52. Servicing requirements would be low for a building of the size proposed, and considerably lower than for a full service hotel, or for other active ground floor uses of the type favoured by some objectors to the proposals. The proposed service management plan referred to above would restrict service access to the Paradise Road front within the hours of 10.00-16.00. The existing bus lane allows for this. I acknowledge the concerns expressed that waiting service vehicles could cause disruption to bus movements and to traffic generally, but in the absence of any objection from the highway authority, there is insufficient reason to reject the proposals on this ground. Taxi drop-off at the front of the building would be of much shorter duration and considerably less disruptive. The absence of dedicated space for this would not provide sufficient reason to dismiss the appeals.
53. I also acknowledge that the space for pedestrians adjoining this busy traffic route would feel more constrained by the forward move of the building line, but it should still be adequate even allowing for relocated street furniture. No safety concern has been raised by the highway authority.
54. To conclude on this issue, the evidence suggests that both Scheme 1 and Scheme 2 would comply with Core Strategy Policy CP5 on sustainable travel and with DMP Policy DM TP8 on parking provision.

#### Principle of development

55. The Council raise no objection to the principle of the proposed use. CS Policy CP20 promotes the growth of the tourist industry and directs new hotel accommodation to town centres.
56. CS Policy CP19 seeks to retain land in employment use and DMP Policy DM EM2 requires a sequential approach to proposed exceptions. In this case, the marketing evidence provided by the appellants shows that retention of the site for office use would not be feasible in current economic and local circumstances. Hotel use is accepted by the supporting text to Policy DM EM2 as an 'alternative employment creating use'. Therefore, although the proposals' job density would be very much lower than the established use of the site, the proposed use would comply with the policy.

### ***Planning obligation***

57. The second reason for refusal of the Appeal A application cites the absence of an appropriate contribution towards public realm improvements in the vicinity of the site, in accordance with CS Policy CP16 and the Planning Obligations Strategy SPG, although the officers' report had referred to the need for a contribution to transport improvements. The appellants' appeal statement confirms that both Schemes would give rise to a contribution for public realm improvements. However, the completed obligation for Scheme 2 commits to the provision of transport improvements, the appellants stating that the reference to public realm improvements was an error.
58. No evidence has been provided to identify the need for this contribution in terms of specific impacts of the proposed development on local infrastructure. Furthermore, hotel development does not appear to be among the classes of development identified by the SPG as attracting a need for contributions to transport, or indeed for public realm improvements. As it has not been shown that the obligation is necessary to make the development acceptable in planning terms or that it is fairly and reasonably related to the development, the obligation would not meet the tests laid down by the Framework and by Reg 122 of the Community Infrastructure Regulations 2010. No weight can be attached to it in support of the proposal.
59. For the same reasons, no weight can be attached to the absence of an obligation in Appeal A.

### ***Conditions***

60. The Council has proposed a large number of conditions to be applied in the event of Appeals C and D being allowed. Apart from the condition earlier referred to on the need for windows to be kept shut, the appellants have objected only to one other condition, relating to the investigation and remediation of potential ground contamination.
61. Having assessed the proposed conditions in accordance with the guidance of the Framework and of circular 11/95, I consider that all would be reasonable and necessary, subject to some amalgamation and amendment in the interests of precision.
62. In addition to the standard condition on the time limit for commencement of development, identification of the approved plans is necessary to confirm the approved form of development. Conditions necessary to ensure the character and appearance of the area would be protected include those relating to: archaeological investigation; approval of materials, including sample panels of brickwork; approval of hard and soft landscaping; tree protection; restriction on the addition of air conditioning plant and telecommunications equipment.
63. Conditions required in the interests of protecting the living conditions of neighbouring residents include: obscuration of windows; restriction of opening of windows and fire doors; control of noise from plant and equipment; approval of external lighting; restriction on use of the roof; approval of construction method statement, and any piling work; restriction on catering provision on the site, as this has not been assessed as part of this proposal.

64. The last two of these would also be needed in the interests of highway safety and maintenance of the free flow of traffic, as would conditions with regard to: approval and implementation of a travel plan; approval of a service management plan, including restriction on hours; relocation of street furniture; restriction on parking permits.
65. To ensure a sustainable form of development, conditions are required to secure BREEAM Very Good performance and to investigate and remediate potential contamination. The form of condition sought by the Council would be justified. The study submitted with the application has not been formally approved but could well form the basis of satisfying the condition, as suggested by the appellants.

### **Conclusions**

66. For the reasons set out above, and having taken account of all representations made, I conclude that Appeal A must be dismissed, but that Appeal C should be allowed and planning permission granted subject to conditions. As Appeal C would represent a satisfactory form of redevelopment of the site, Appeal D can also be allowed to authorise demolition of the existing buildings. There would be nothing to be gained by also allowing Appeal B, which travels with Appeal A.

*Brendan Lyons*

INSPECTOR

## **9-19 Paradise Road, Richmond, Surrey TW9 1RX**

### **Schedule of conditions**

#### **Appeal C: APP/L5810/A/12/2186855**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos (all prefixed 0779-02-) 101A, 102E, 103D, 104D, 105, 106B, 107B, 108B, 109E, 110B, 111I, 112B, 113B, 114A, 115A, 116C, sk 121, sk 122, sk 123, sk 124, sk 125.
- 3) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Following approval of the written scheme of investigation and any subsequent field work, any assessment report required shall be submitted to and approved in writing by the Local Planning Authority. No development shall be carried out until such a report has been approved.
- 4) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the building hereby permitted (including vents, stone, window and curtain wall framing, window surrounds, curtain wall glazing, window glazing, obscure glazing locations and material, view control film, roof materials (including canopy), PV panels, lift over run, cable system, acoustic louvres) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Sample panels of facing brickwork showing the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work is completed and has been approved.
- 6) Prior to commencement of development (including demolition), a scheme showing how on and off site trees are to be protected from damage (from demolition, construction, storage of materials and scaffolding) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details, and all tree work must be undertaken in accordance with BS3998:2010.
- 7) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels; means of enclosure; pedestrian access and circulation areas; hard surfacing materials; minor structures (e.g. furniture, refuse, cycle or other storage units); proposed and existing utility services above and below ground; a programme or timetable of the proposed works.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no telecommunications equipment or air conditioning apparatus, equipment or ducting shall be erected on or attached to the roof or external walls of the building hereby permitted.
- 9) The building hereby permitted shall not be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.
- 10) Prior to the commencement of development, details and samples of a method of obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. All first and second floor rear windows and wc window on the Halford Road elevation of the building hereby approved shall at no time be glazed otherwise than in accordance with the approved details, below a minimum height of 1.75 metres above the relevant floor level.
- 11) The windows 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.
- 12) The fire exit doors in the rear courtyard and on Halford Road shall at all times be kept shut and not be used for access to or from the building except in cases of emergency and/or for maintenance purposes.
- 13) The roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
- 14) Before any mechanical plant to which the application refers is used at the premises, a scheme shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the following noise criteria can be complied with and the plant shall thereafter be retained in accordance with the approved scheme.

The cumulative measured or calculated rating level of noise emitted from the mechanical plant to which the application refers, shall be 5dB(A) below the existing background noise level or 10dB(A) below if there is a particular tonal or discrete component to the noise, at all times that the mechanical plant operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1m from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance with the latest British Standard 4142. An alternative position for assessment /measurement may be used to allow ease of access, but this must be shown on a map and noise propagation calculations detailed to show how the design criteria are achieved. The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

- 15) Prior to the commencement of development, a scheme indicating the location, design and details of any external lighting shall be submitted to and approved by the Local Planning Authority. The development shall be implemented only in accordance with the approved scheme.
- 16) No material start shall take place on the development hereby approved until written notice of the intention to commence work has been sent to the Development Control department of the Council. Such notice shall be sent to that department not less than 21 days prior to a material start on the development and shall give details of the intended method of constructing the foundations, including method and equipment for piling, if applicable.
- 17) No development shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading/unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii. routing of delivery vehicles to and from the site.
- 18) No bar, restaurant or conference room facilities shall be provided as part of the development hereby permitted.
- 19) Within 6 months of the use commencing, staff and customer/visitor travel surveys shall be undertaken in accordance with a survey methodology that has been submitted to and approved by the Local

Planning Authority and a new travel plan shall be submitted, based on the results of the survey with clear objectives, targets, actions and timeframes to manage the transport needs of staff and customers/ visitors to the development, to minimise car usage and to achieve a shift to alternative transport modes. Following approval by the Local Planning Authority, the actions shall then be implemented to secure the objectives and targets within the approved plan. The travel plan (including surveys) shall be annually revised and a written review of the travel plan submitted for approval by Council by the anniversary of its first approval and yearly thereafter. At the third anniversary, the travel plan (including surveys) shall be re-written, and resubmitted for further approval by the Council. This review and re-write cycle shall continue every three years and any approved revision shall be implemented within three months of the date of approval.

- 20) Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that, with the exception of disabled persons, no commercial occupier or visitor to the development shall obtain a resident or commercial parking permit within any controlled parking zone which may be in force in the area at any time. The scheme shall be implemented in accordance with the approved details.
- 21) No servicing shall take place other than in accordance with a Servicing Management Plan which shall have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of any part of the building. The use of the site shall only operate in accordance with the agreed management plan. Deliveries (including loading and unloading) shall only be made to or from the site between the hours of 10.00 to 16.00 Monday to Sunday (including bank holidays).
- 22) The development shall not be commenced until the post box, phone box and telecommunications equipment cabinet located in front of the site on Paradise Road have been removed and relocated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- 23) The development hereby approved shall achieve BREEAM Rating Very Good in accordance with the terms of the application and the requirements of the BREEAM Guide (or such national measure of sustainability for design that replaces that scheme), and achieve a reduction in CO2 emissions through 12% renewable energy.
- 24) 1. No development shall take place until:
  - a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the Local Planning Authority;
  - b) if recommended by the approved desk study, an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater in



locations and at depths stipulated by the Local Planning Authority. Such work shall be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing;

- c) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.
2. The building hereby permitted shall not be occupied until:
    - a) any remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;
    - b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Local Planning Authority. Such report shall include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

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- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) Demolition of any of the existing buildings shall not proceed until the following steps have been taken:
  - a) a contract has been made for the implementation of any development or part thereof for which planning permission has been granted but such demolition shall only be that which is necessary for the performance of the contract;
  - b) the submission and approval of all relevant details required under any such planning permission.