



PLANNING STATEMENT

**To support an application for
planning permission in a Conservation Area**

**The conversion and restoration of the Old School building to
form 5 no. residential
apartments, and
90 square metres of B1a Office space,
and the erection of 3no terraced townhouses
with basement accommodation, at the rear,
with car parking, landscaping, and use
of the existing vehicular access.**

**The Old School, Park Lane
Richmond, London, TW9 2RA**

**For Halebourne Land & Planning Ltd
19th August 2014.**

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1. INTRODUCTION

- 1.1 This Statement should be read in connection with a detailed, full planning application, for the refurbishment and re – use of the existing Old School building, including the retention of three of the existing main facades, for the formation of 5no residential apartments and 90 square metres of B1a Office space, and the erection of three terraced townhouses with basement accommodation at the rear, with car parking for 9no vehicles, electric charger points, landscaping including SUD's, and the use of the existing vehicular access. Demolition of only minor single storey elements of the school building is also proposed.
- 1.2 The application site lies within the boundary of Richmond Town Centre and is shown edged in red on the site location plan attached at Appendix One. The site contains an ex Victorian school building with an attached schoolmasters' house, car parking to the rear and an existing vehicular access to the side off Park Lane.
- 1.3 The main school building is not on the statutory lists but has been designated as a local Building of Townscape Merit by the local planning authority. That designation is attached as part of the submitted application papers, and the Consultation Draft of the relevant Supplementary Planning Document dated February 2011 is attached at Appendix Two to this Statement and will be referred to later.
- 1.4 The school was built in the mid 19th century and is current used by Richmond Film Services for a range of business uses based upon a B8 Storage and Distribution use, with ancillary offices. The use is subject to a personal planning condition limiting the activities to those carried out by Richmond Film Services. The site lies within the Richmond Town Centre Conservation Area and also within an Archaeological Priority Area.
- 1.5 The main school building and school master's house are in a very poor structural and decorative condition, and are deteriorating rapidly. These latest proposals are intended to ensure that this building can be retained for the long term and is revitalised and made much more sustainable in design and energy and water efficiency terms, without losing any of its essential character or local heritage value.
- 1.6 This proposal follows on from previous planning, and Conservation Area Consent applications (references 12/2968/FUL and 12/2969/CAC) which were made in 2012 by Renworth Homes (Southern) Ltd. The site is now under option with the owner to a new development company, Halebourne Land & Planning Ltd, although the team that dealt with those previous applications is still in place and is responsible for this latest application being made on behalf of the developer.

1.7 Since those applications were determined, the procedure in respect of such applications has changed so that these latest proposals are now the subject of only one comprehensive planning application.

1.8 A set of Community Infrastructure Levy (CIL) charge application forms are also submitted covering both the Mayoral CIL Crossrail Charge which is already in place, and the proposed Borough wide CIL Charge which comes into effect from November 2014 onwards.

1.9 The site has already been the subject of pre - application consultations with the Council, in 2011. We have once again, taken account of the views expressed by officers at that meeting, which was held with Knight Frank and Upchurch Associates. I have seen a set of the minutes issued by Knight Frank, and they are attached at Appendix Three to this Statement. The current owner of the site was present at that first discussion, and the Council already has a copy of those minutes on its files.

1.10 In addition there were a number of meetings held with officers during the course of the last set of applications, and separate meetings held with the ward Councillor, and local residents who live in Parkshot to the immediate east of the site, and also in The Gateway flatted complex to the immediate west. The outcomes of those meetings have fed into the alterations made to the scheme which now form part of this latest revised application.

1.11 The main changes now proposed from the previous applications include:

- Significant design changes made to substantially reduce the height and scale of the three townhouse units at the rear of the site and to alter their appearance, built form and detailed design;
- The retention of three existing main facades of the existing Old School building and school master's house (which are a 'locally listed' Building of Townscape Merit), instead of the previous proposal to carefully dismantle the whole building and use as much salvaged material as possible;
- The retention of 90 square metres of B1a Office floor space within the existing (retained) school master's house and part of the Old School building, which will be able to accommodate up to 10 employees, thus resulting in a mixed use scheme **with no loss of the number of employees on the site**. (The previous proposal involved a fully residential scheme of 9no units and retained no employment floorspace);
- A comprehensive viability assessment which review the viability of a wider range of alternative uses/scenarios for the site and the existing building;

- Updated and new independent valuations for a range of alternative land uses from Levy LLP;
- A Heritage Statement which focuses on the revised method for retaining the existing three main facades of the building on site and what benefits this will result in for the Building of Townscape Merit;
- A second independent structural appraisal report which reviews the latest current condition of the main building and which supports David Carr's original report and conclusions. It also proposes a method for the retention of the three main facades of the Building of Townscape Merit. The writer also considers the option of a full conversion of the existing building for the development in a separate letter;
- A revised and updated Sustainability and Energy Strategy Statement as well as a new Sustainable Construction Checklist – this scheme will result in substantial sustainability improvements;
- Correspondence from an independent highway engineer dealing with the use of the existing vehicular access and revised car parking proposals – the revised scheme does not now involve the loss and replacement of one on street residents parking bay, and all car parking for the development can be accommodated on site, and would also meet LPA and London Plan car parking standards;
- The proposed payment of a major contribution for off – site affordable housing provision elsewhere in the Borough through a Section 106 Undertaking; and
- The proposed payment of a new CIL Charge of based upon a charge of £250 per square metre of new build residential and B1a office floor space and the Mayoral CIL Crossrail Charge of £50 per square metre of residential and office new build).

1.12 This latest revised application is therefore by its nature very complex, and has involved the commissioning of a number of new or updated supporting documents, the purpose of which will be made clear from a reading of this Statement.

1.13 In addition a summary sheet explaining the benefits and outcomes that would accrue from the revised proposals is attached at Appendix Four to this Statement.

2. PLANNING HISTORY

- 2.1 The planning records for this site show that The Old School was designated for residential use from the early 1970s up to the 1990s, including within the Greater London (GLC) Development Plan. Planning permission was refused in 1973 for replacement offices on the basis that there was an oversupply of B1 offices in the Borough and in Richmond.
- 2.2 It should also be noted that whilst the previous residential designation was in place between the 1970s and 1990s the Council also refused planning permission in 1980 under ref 80/865 for open ended and speculative B8 Storage uses on the basis that this was not in accord with the residential designation and would have harmed the amenities of residents in the surrounding properties.
- 2.3 Permission was only granted previously in 1970 for storage purposes under permission 70/252 **for a limited range of uses** including as a catering school, catering reception rooms, kitchen and the warehousing of equipment **for a 10 year period only**. That limited period condition was imposed in order not to compromise a future residential use of the site and to protect residential amenity of the residents living on both sides of the site.
- 2.4 That temporary planning permission then lapsed, and the subsequent application made in 1980 under 80/865 was refused anyway, as advised above.
- 2.5 Furthermore, the only reason that a subsequent planning application, 85/1772, was then approved for a B8 storage and Distribution use was that it was a very atypical storage use and was geared to providing a specific service to the British broadcasting and film industry. In fact that permission was **both made personal to Richmond Film Services, and limited to the use of the site to support the British Film and Broadcasting Industry**. There were no other conditions imposed.
- 2.6 In that context the fact that the planning permission that the current occupier relies on does not run with the land but is personal to him is a significant material planning factor here that must be taken into account in any assessment of these latest proposals.
- 2.7 In the above context it can reasonably be concluded that the site is not a typical employment site, but one which:
 - Was an ex Victorian school with a substantial residential component;
 - Had a residential designation in the Borough's and GLA development plans in the not too distant past;

- Had only a temporary planning permission for a very specific range of uses which has long ago lapsed, and;
 - Has only a current planning permission made personal to the current owner for a very specific use, which was imposed in recognition of the proximity of other nearby residential properties and the potential harm that would result to their amenities from an unfettered employment/commercial use of the site, and in particular the rear yard and access.
- 2.8 As referred to above in paragraph 1.6 of this Statement two previous planning, and Conservation Area Consent applications (references 12/2968/FUL and 12/2969/CAC) were made in 2012, but refused planning permission in May 2013. Those reasons for refusal have informed the many changes made to the scheme from the previous proposals.

3. THE APPLICATION SITE AND ITS SURROUNDINGS

- 3.1 The application site sits in Park Lane, which is a mainly residential road within Richmond's town centre, with resident parking bays and controls on the street on both sides. The site is within very easy walking distance of the main town centre services, railway and London Underground and London Overground station, bus services, and a huge range of retail outlets, as well as nearby open spaces and parks. It does not lie within a flood plain, and contains a rear car park serving Richmond Film Services' operations which can accommodate up to 14 vehicles. The car park, from time to time, has to accommodate HGV's and large vans which have to reverse down the existing access drive from Park Lane to offload or pick up goods.
- 3.2 The residential developments on each side of the site on Park Lane are of a greater scale and bulk than the existing main school building, and to the rear major extensions are underway to add a large extension to The Magistrates Court and College complex fronting Parkshot, but which lie to the immediate rear of the site.
- 3.3 The side and rear boundaries of the site are walled, and at the rear there is a multi stemmed tree, which is putting significant pressure on the wall along the rear boundary. It is, again, proposed to be removed as part of this revised scheme, but would be replaced by another good quality tree within the site, and away from the rear wall. Another mature tree sits on the south eastern boundary and is overhanging that boundary and the site. However it is to be retained, but with some essential crown raising and pruning back proposed.

3.4 The frontage is marked by the original wrought iron railings and soft landscaping. There is a pedestrian path and gate at one end. The trees on the frontage are in poor health and are recommended to be removed and replaced by the applicant's arboricultural advisor, Patrick Stileman.

4. PLANNING POLICY FRAMEWORK

4.1 These latest revised proposals should be assessed against a raft of national and local planning policy guidance, as well as the advice and guidance contained in the Town & Country Planning Act 1990 at section 70(2) and in the Planning Compulsory Purchase Act 2004 at section 38(6) wherein it is stated that applications should be determined in accordance with a development plan so far as it is relevant and material, unless other material circumstances indicate otherwise. This legal requirement is supplemented by more the detailed guidance set out in the National Planning Policy Framework (NPPF), issued in March 2012.

4.2 The development plan for the Royal Borough of Richmond upon Thames is made up of the following policy documents:

- The adopted April 2009 Core Strategy DPD ;
- The adopted November 2011 Development Management DPD;
- Emerging Site Allocations DPD;

4.3 It should be noted that the previous 2005 adopted and 'saved' Unitary Development Plan (UDP) has now been superseded by the Core Strategy and Development Management DPD should be given very little weight now. I consider however that the NPPF should be given significant weight in any assessment of this latest application and in particular paragraphs 14, 17, 22, 47, 51, 128, 131, 132, 134, and 212 – 216 in Annex 1.

4.4 In addition the government's on line Planning Practice Guidance Notes which address a whole range of planning, viability, economic development, affordable housing and other related guidance are also an important material consideration. 'Planning for Growth', March 2011 is also relevant here, as are the RICS published guidelines on carrying out viability assessments, dated August 2012.

4.5 The local planning authority has also published a number of draft or adopted Supplementary Planning Documents (SPD) dealing with:

- Sustainable Construction Checklist;
- Affordable Housing;
- Design Quality;
- Front garden and other off – street car parking standards;

- Residential development standards;
- Consultation draft dealing with Buildings of Townscape Merit;
- CIL Charging Schedule;
- Section 106 Planning Obligations and Contributions.

4.6 These are all, to one degree or another relevant to these revised proposals, and will be dealt with later where necessary. The Central Richmond Conservation Area Study is also relevant, as is the study of Employment Sites and Premises in the Borough, carried out by Peter Brett Associates for the local planning authority in 2013.

4.7 The Council also publishes an annual Strategic Housing Land Availability Assessment (SHLAA) and the results of this review of housing land supply in the Borough are fed into the Annual Monitoring Statements' housing land supply trajectories, and identified housing site allocations in the Site Allocations DPD. The need for more market housing, as well as the provision of affordable housing in whatever form, is a key objective of the NPPF and the development plan.

4.8 The Consolidated 2013 London Plan, with Further Alterations proposed in 2014, which includes greater housing targets for all London Boroughs are also relevant.

4.9 The government, in May 2013, changed the regulations relating to permitted development and allowed the change of use from B1a Offices to C3 residential dwellings as permitted development. The Council has served an Article 4 Direction within parts of Richmond Town Centre which has taken away those rights, although the government has yet to confirm that the Order can remain in place. The site does not however fall within the area of the Town Centre where that Order has been imposed.

4.10 It should be noted in any case that the existing building which is in a B8 storage use primarily, can be altered to form B1a offices up to 500 square metres in floorspace, without any planning permission being required. The Article 4 Direction, even if confirmed by the government in due course, would not affect this other form of permitted development.

4.11 Other factors which need to be taken into account are recent court cases, including the recent Court of Appeal judgment issued on 12th December 2013 in the case of *City and District Council of St Albans v The Queen (on the application of) Hunston Properties Limited and others*, where housing land supply, meeting housing needs based upon a fully objective assessment of those needs, and the weight given to this in the NPPF were key material factors.

4.12 The report of the officers in response to the previous planning and CAC applications in 2012 clarifies the weight that the Council has given to elements of the above planning policy guidance. The policies that they give particular weight to are set out on pages 5

and 6 of that report. There, the officers have listed what they considered to be the main material considerations in those first set of planning and CAC applications. These material considerations were:

- Loss of employment
- Affordable Housing
- Loss of a Building of Townscape Merit (BTM)
- Land Use, including housing mix
- Design, including how the BTM was proposed to be dealt with and back land development
- Living standards and amenity space
- Residential amenity
- Sustainability
- Impact on Trees
- Planning Obligation Strategy

4.13 Some of these issues are far more relevant than others and many of the above issues were in fact not in dispute, and so this Statement will focus on the most substantive of these considerations and where the revised plans and proposals have sought to deal with them, not necessarily in the same order as above.

5. PLANNING ASSESSMENT OF THESE REVISED PROPOSALS

5.1 It should be noted at the outset that the applicant does not accept that the LPA has an up to date development plan in compliance with the NPPF, in particular those policies restricting the loss of employment land to residential use are expressly not in conformity with paragraph 51 of the Framework. The government at paragraph 51 expressly advises LPA's that they should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B Use Class) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

5.2 In addition the applicant does not accept that this is a typical employment site, or that the main 'locally listed' school building (Building of Townscape Merit) can be retained and converted in a traditional way to form a residential complex without any demolition being involved because of its structural condition and need to comply with up to date Building Regulations.

5.3 However, the applicant has revised the previous proposals in a number of ways by way of response to the Council's adopted development plan policy context and to the previous

approach of the local planning authority to the first set of proposals as set out in the officers' report on applications 12/2968/FUL and 12/2969/CAC.

5.4 In this way, it is considered that these latest revised proposals are fully in accord with the NPPF, The London Plan and proposed 2014 Further Alterations, and many of the principal objectives of the development plan for the Borough.

Building of Townscape Merit (BTM)

5.5 Policy DM HD3 of the Development Management DPD advises that the local planning authority will normally seek to ensure and encourage the preservation and enhancement of Buildings of Townscape Merit (BTM). The Policy advises that consent will not normally be granted for their demolition.

5.6 The previous applications made in 2012 proposed the careful dismantling and re-building of the BTM using as much salvaged material as possible. The applicants considered then that this would have been a very sustainable solution and result in almost the exact same building *in situ* but with an enhanced life of at least another 100 years.

5.7 In practice it would be just as possible to demolish the building and re-build it as it is today, and that would have also preserved the appearance and character of the BTM in the applicant's view. Nevertheless in the light of the previous refusals the applications seek to only part demolish the building while retaining the three existing main facades, and the re-building most parts of the building to the rear.

5.8 This method would add considerably to the build costs, over and above the previously calculated build costs (based upon a careful dismantling and rebuilding approach using as much salvaged material as possible as proposed in 2012 under ref 12/2968/FUL), but the building's main and key features and detailing, would be retained and would not change.

5.9 The roof would have to be removed in any case in any solution proposed, even a full conversion, and new felt and battens and insulation added, in order to meet new exacting Building Regulations. Existing slates would still be re-used if they are in an acceptable condition. The structural Engineer's report on facade retention goes into more detail about the method proposed.

5.10 It is accepted that this is an important local heritage asset and the applicant has been consistent in his view that the main school building's character and appearance should be retained. The only difference with the local planning authority is how best to deal with it to ensure its regeneration, conversion, and long term survival in a much more sustainable form.

5.11 It should be noted that the Council's senior Building Inspector has seen the building in 2013 and confirmed in an email to the scheme architect that in his professional view the building should really be demolished and then rebuilt given its deteriorating condition.

However the applicant has never sought to be confrontational and the revised method of dealing with the 'conversion' of this BTM is being offered to the local planning authority in the spirit of trying to achieve a compromise and an acceptable long term solution.

- 5.12 It should not be forgotten that the existing warehouse / employment use can never generate the funding required to properly and permanently repair the existing building, let alone completely renew it fit for purpose in the long term. The only future alternative use which is able to secure the necessary funding for the long term repair and upgrading of the BTM is a market housing led solution. The submitted viability assessments for different land uses / scenarios which have been prepared by Pioneer and which are submitted with this application demonstrate and support that view.
- 5.13 The building has also been surveyed by two independent structural engineers over a period of two years, and both have come separately to the same conclusions. The latter engineer has also provided a method for the proposed facade retention which is at the heart of this latest proposal, as referred to above in 5.9, and has also considered the option of a true conversion which he does not consider is either practical or cost effective.
- 5.14 The officers' delegated report on the previous application 12/2968/FUL refers to their own independent specialist historic architect and structural engineer, Michael Stock's advice to the LPA, did not need to be demolished in his view. He also advised that further investigations be undertaken.
- 5.15 This advice however, flies in the face of the Council's senior Building Inspector's views as expressed in writing subsequently, and attached at Appendix Five. It should also be noted that the applicant's agent has been in touch with Mr Stock very recently who, although now retired, confirmed to him that he was never asked by the Council in 2012/2013 to advise them on whether or not the conversion proposed for the old school building to residential apartments could actually be carried out through a 'true' full conversion.
- 5.16 The applicant's structural engineer therefore deals with this option in his latest correspondence which is also submitted with this application. He does not consider it to be practical or cost effective.
- 5.17 The applicant considers that in the interests of preserving this local heritage asset the Council will accept the revised method of conversion proposed here, through the retention of the three main facades of the school building recognising that this is the most sustainable solution in all the circumstances, and one which would maintain the character and appearance of the BTM and the Conservation Area.

Loss of Employment

- 5.18 Policy CP19 of the 2009 Core Strategy and Policy DM EM2 of the Development Management DPD both seek to retain land, sites and buildings which were last used for

employment purposes, in employment use. The use of such land for other purposes is resisted unless an applicant can provide satisfactory marketing evidence for a period of 2 years, or provides suitable alternative evidence instead.

- 5.19 In either case a sequential approach to testing a range of other alternative uses is required unless the location has severe site restrictions due to very poor access and servicing arrangements then the Council accepts that a continued employment use would be inappropriate.
- 5.20 In addition, the supporting text to Policy DM EM2 confirms that if the building is listed and was originally in residential use then a marketing campaign or evidence would not be necessary.
- 5.21 It is the view of the applicant that the main school building and head master's house are a Building of Townscape Merit, and are therefore 'locally listed'. The NPPF confirms that such buildings should be regarded as heritage assets. In addition the school master's house was originally a residential property, albeit linked to the wider use of the site as a school.
- 5.22 It is submitted that the policy and supporting text enables the LPA to permit the conversion of employment floor space to residential use providing suitable alternative evidence is submitted, without the need for 2 year marketing campaign. The evidence submitted in this regard is the viability assessment and associated documentation making it clear that, say, a wholly business scheme at this site would not be able to deliver the financial return required to restore the building and give it a new and long term life.
- 5.23 It should also be noted that the supporting text in paragraph 5.3.10 makes no distinction between 'locally listed' buildings of Townscape Merit and those on the statutory lists.
- 5.24 Furthermore, the owner of the site is very sensitive to the impact of any such lengthy marketing campaign on his existing workforce and does not want them to be unsettled or leave prematurely whilst his existing business is continuing to operate from the site. This view was confirmed in a letter submitted during the course of the previous applications, and attached at Appendix Six to this Statement.
- 5.25 The supporting text in paragraph 5.3.10 makes no distinction between locally listed buildings and those on the statutory lists Given the 'listed' status of the main buildings and the fact that a substantial part of the BTM was in residential use originally, then it is hoped that the local planning authority would be able to accept the other evidence submitted with these revised proposals and not insist on a lengthy 2 year marketing campaign in order to find other business uses which our evidence shows would not be viable.

- 5.26 In addition, it should be noted that Counsel's opinion has been sought on the above policies and in particular Policy DM EM2. Counsel has confirmed that this policy is not in line or compliant with the NPPF's guidance at paragraph 51 on how employment land is dealt with in relation to an alternative residential use. Counsel's opinion is attached at Appendix Seven to this Statement.
- 5.27 Paragraph 51 of the NPPF advises that local planning authorities....'' *should normally approve planning applications for change to residential use and any associated development from commercial (currently in the B use class) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate*''.
- 5.28 It is surely common ground between the Council and the applicant that there is a strong need for more housing in the Borough, including affordable homes, and that this is built into the Core Strategy, and latest London Plan targets for the Borough. This site is located between two residential developments and was only allowed to become a commercial use on the basis of a personal and restrictive planning condition in order to protect the amenities of residents living there.
- 5.29 It is very evident from the Council's own identification of housing needs and its 5 year housing supply targets, now supplemented by increased London Plan targets for all Boroughs, that there is added pressure to meet those housing needs which sites such as this could make a valuable contribution towards, without in practice weakening the economic and employment role of the site. It will still provide employment for up to 10 people through the retained and improved B1a office floor space.
- 5.30 The Council also recently commissioned a very recent report in 2013 from Peter Brett Associates on Employment Sites and Premises in the Borough which advised the Council in paragraph 3.38 that contrary to the policies in the Core Strategy and Development Management DPD's, the NPPF at paragraph 51 requires evidence of why the proposed use and not the existing use is inappropriate.
- 5.31 Therefore the Council's own consultants have specifically drawn the Council's attention to where the development plan policies in this regard are out of step with those in the NPPF.
- 5.32 In any case, as confirmed above, this latest proposal includes the retention of a more appropriate and neighbourly B1a office use which will employ the same number of staff as work in the warehouse currently. I consider therefore that this revised proposal is fully in accord with the NPPF in this respect.
- 5.33 In March 2011 the government published Planning For Growth which acknowledged explicitly the role that new housing can and should play in encouraging economic

development and growth in the economy. This revised proposal is fully in accord with that other national guidance.

- 5.34 In addition, it is also a relevant material factor here that the government, in May 2013, extended permitted development rights to owners and developers to changes of use from B1a commercial premises to C3 Residential use.
- 5.35 In a statement made in 2013, the Secretary of State for Communities and Local Government Eric Pickles said the measure formed part of the government's drive to encourage "a swift and responsive planning system" for delivering sustainable development (which does of course include new market housing). The statement said the scope of permitted development rights was being increased in order to facilitate economic growth. The new permitted development rights allow change of use from B1(a) offices to C3 residential use.
- 5.36 The Sec of State also confirmed in his 2013 statement that the government would only grant an exemption in exceptional circumstances, where local authorities had demonstrated clearly that the introduction of these new permitted development rights in a particular local area would lead to (a) the loss of a nationally significant area of economic activity or (b) substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring."
- 5.37 The London Borough of Richmond was not included ultimately in one of the identified areas where such exemptions were allowed by Order, and since then a High Court challenge by the LB of Islington and others in 2014, has failed to set aside these new permitted development rights.
- 5.38 The London Borough of Richmond has since then served an Article 4 Direction on some parts of the Borough where these permitted development rights do not for the moment apply, but this Order has yet to be confirmed by government, and in fact the application site is not within the area covered by that Article 4 Direction. It can therefore be reasonably assumed from the fact that the site has been specifically excluded from the area of Richmond Town Centre that is covered by that Article 4 Direction, that the Council accepts that it could potentially change from a B1a use to residential as permitted development.
- 5.39 This flexible approach makes considerable sense given the previous planning history of the site, its 'locally listed' status as containing a BTM, and that it was previously designated for residential use between the 1970's and 1990's.
- 5.40 However, the applicant would rather come to agreement with the Council if at all possible and has determined that to try and achieve a locally negotiated solution and proposes to retain a generous amount of B1a office floor space, approx 90 square metres in area, as part of a proposed mixed use residential/office proposal.

5.41 That B1a office element would be sufficient to allow 9 – 10 staff to work there, which is a similar number of employees that current work for Richmond Film Services in the whole of these premises.

5.42 This is surely a reasonable and balanced response to the Council's rigid and non conforming approach (in relation to the NPPF) to the protection of employment land, in that the level of employment here would be maintained, in a form of small office spaces, which the Employment Sites and Premises 2013 report from Peter Brett & Associates and commissioned by the Council itself confirms is appropriate to Richmond Town Centre.

5.43 As part of these revised proposals, the applicant has also tested a number of different scenarios in line with the different potential land uses suggested in Policy DM EM2, including the maximisation of affordable housing. These different scenario tests are based upon an assessment of their financial viability in each case.

5.44 The different land use scenarios tested include:

- The AUV Benchmark uses – use of existing building as B1a Offices;
- 100% affordable housing;
- Community use, and a single residential dwelling house (the School master's house);
- The proposed mix of uses, based upon 8 no. residential dwellings and 90 square metres of B1a office floor space.

5.45 What that comprehensive viability testing has shown is that no other form of land use, other than one which is market housing led, is sufficiently financially viable to generate the level of funding to enable the re-building and conversion of the Building of Townscape Merit to provide a long term and much more sustainable solution for its preservation. This process will also trigger a substantial Section 106 contribution for off – site affordable housing, the Mayoral Crossrail CIL Charge, and the Borough wide CIL.

5.46 It is therefore concluded that a mixed use scheme which allows for the retention of a significant amount of B1a office floor space in an independent form which would be lettable, and which would not interfere with the use of the remainder of the site for market housing would be an acceptable way to respond to the Council's employment loss policies. The level of retained B1a office floor space would also enable the same number of full time employees to be employed on the site ie 10 staff.

5.47 The existing owner is still looking for new premises which are modern and adaptable. The existing premises are too small for his needs, and the age of the building, together with its narrow corridors and restricted and run down layout means that it is becoming increasingly unsuitable for their operations or indeed for any other B8 or B1a uses.

5.48 These conditions, as well as the deteriorating structure of the main school building, will seriously limit the ability of any alternative employment generating user to operate from here in practice in the future without significant funding being spent on physical

improvements and on structural repairs. Such costs would not be justified in terms of the returns from such alternative employment uses here.

5.49 In addition, the viability scenario testing which has been carried out by the Pioneer Development and Housing Consultancy also reviewed the likely costs of simply making good, and bringing the building up to a condition which made it lettable, but even those more limited repair costs are still very significant, and in the applicant's view would deter any alternative employment user from taking ownership of the site. The building will therefore continue to deteriorate structurally until it become moribund and will have to be replaced, or become unstable.

Affordable Housing

5.50 Through Policies DM EM2, and DM H06 of the Development Management DPD as well as the Affordable Housing SPD, the Council seeks to secure the maximum reasonable amount of affordable housing through such applications. The applicant had previously carried out a financial viability assessment which demonstrated that on – site affordable housing would make the scheme unviable, and offered a contribution towards off – site provision elsewhere instead.

5.51 The more recent financial viability assessments carried out in conjunction with this latest application results in the same conclusion, although the contribution now offered, is greater than that offered in 2012. This is no surprise given the increase in land and sales values in market housing in the Borough since then. But the level of contribution is also a reflection of the increased build costs which have resulted from the design changes that the Council has sought, and also from the change in the way in which the main school building and school master's house are to be treated through the retention of the three main facades instead of careful dismantling and re-building using as much salvaged materials as possible, which was the method proposed in 2012.

5.52 It should be noted that when the previous applications were submitted in 2012 the applicant carried out consultations with three local housing associations, and none of them were willing to countenance on - site provision and they confirmed that an off – site contribution, which could then be pooled with other contributions from other developments was a more appropriate way of securing affordable housing.

5.53 The applicant remains willing to allow the Council to secure independent advice on the viability assessments submitted with this latest application, and considers that the level of contribution being offered here for off – site affordable housing is in line with Policies DM EM2 and DM H06 of the Development Management DPD and the guidance contained in the SPD on Affordable Housing.

Land Use

5.54 The principle of the proposed form of land uses needs to be assessed against Policy CP1 of the Core Strategy and Policy DM HO3 of the Development Management DPD. The Council acknowledged during the course of the previous applications that setting aside

the loss of employment, the proposal for further residential uses here would be acceptable. In this case such a view is reinforced with the inclusion of employment floor space within the revised proposals.

Housing Mix

5.55 Policy CP14 of the Core Strategy requires that residential schemes provide a reasonable number of small units appropriate to the site. The Council normally tries to achieve a 25% level of such units. Policy DM HO4 of the Development Management DPD seeks to provide more small family dwellings. In this case the revised scheme proposes a range of 2no and 3no bedroom units, and this mix is considered to meet the broad objective of Policy DM O4. In relation to Policy CP14 the local planning authority has previously confirmed that this form of mixed provision would complement the range of smaller flats in the area and contribute to the overall variety of unit sizes here.

5.56 It is considered that the same view should be taken with these revised proposals since the mix has not altered that much and now includes 90 square metres of B1A office / employment space.

Design and Sustainability

5.57 The issues around how the main building on the site can be maintained, and which is a Building of Townscape Merit have already been dealt with. The NPPF encourages a high standard of design quality and sustainable development in all new developments.

5.58 Policy DM DC1 of the Development Management DPD also requires all new developments to be of a high architectural standard and urban design, based upon sustainable design principles. These revised proposals, especially in relation to the three townhouses at the rear were the subject of informal post application discussions with the local planning authority in early 2013 and this part of the development has been radically altered to take into account the changes sought by officers.

5.59 The three townhouses have:

- A significantly reduced height, bulk and massing;
- A more traditional approach applied to their design;
- A more consistent approach applied to fenestration and roof lights;
- High quality external materials and finishes;
- A scale much more appropriate to a mews or back land site.

5.60 It is considered that the scope for changes to the proposed conversion of the main building are far less although some minor changes have been made to deal with detailed issues raised by officers. It is considered that overall these changes are a substantial improvement and would also enable the local planning officer to conclude that they are, in respect of the three rear townhouses completely in accord with Policy DM HO3 of the Development Management DPD.

5.61 The application is, again, accompanied by a Sustainability and Energy Strategy report and completed Sustainable Construction Checklist. Since the last applications were refused the requirement to achieve a 40% improvement/reduction in carbon dioxide emissions by 2016 has been introduced through the Building Regulations. The revised reports that have been submitted demonstrate that this objective can be achieved for both the residential, and B1a office components. Any solar panels or tiles can be placed on the roof of the main building in locations which are not visible from the road or other elements of the public domain.

5.62 Policy CP2 of the Core Strategy advises that all new developments should achieve a reduction of 20% in carbon emissions and this Policy can also clearly be complied with through the proposed revised mixed use development.

Living standards

5.63 The Council has previously confirmed that the internal room sizes were acceptable and in line with the requirements and baseline standards in Policy DM HO4 of the Development Management DPD and the SPD on Residential Development Standards. This same view would surely also apply to these latest revised proposals.

5.64 However the officers did not consider that the level of external amenity space proposed then was overall, acceptable for some of the units. The applicant considers that the revised scheme is acceptable and that the level of external amenity space is appropriate to a small urban site within the town centre, and that future occupiers will also have access to a range of other public open spaces and parks very close by.

5.65 In relation to Lifetime Homes standards, it is considered that these standards should not be applied to the 5no flats in the Old School building since they could well compromise the integrity of the scheme which has been designed specifically to take into account the heritage value, character and appearance of that BTM in this part of the Conservation Area. The local planning authority is able to apply some flexibility here anyway so that if in the interests of protecting a heritage asset such standards would affect the character or appearance of the asset then they do not need to be applied slavishly.

Relationship with adjacent residential developments

5.66 The site sits between two adjacent areas of residential dwellings. To the west lies a large block of flats set within communal grounds known as The Gateway, and to the east on Parkshot sits a row of Grade 2 listed terraced townhouses, numbered 3-6, with individual gardens and lower ground floor kitchens to the rear. The previous scheme was the subject of a number of objections from some residents, although The Richmond Society did not object and were very supportive of the earlier scheme.

5.67 However mindful of the applicant's wish to try to achieve agreement with the local planning authority where possible, the height, scale and built form of the three rear townhouses, which were the focus for all the previous objections from local residents, **have been significantly reduced.**

5.68 The applicant considers that these proposals are now fully in line with Policy DM DC5 of the Development Management DPD and the SPD on Residential Development Standards, and that there would be no material harm caused to the amenity, privacy or outlook from any surrounding residential dwellings.

5.69 The local planning authority has previously confirmed that the original proposals would not have harmed the outlook from the Magistrates Court development, or Eagle House to the south east and the same view would surely apply to these revised proposals, especially now that the three rear townhouses have been so reduced in scale and massing.

Highways and Parking

5.70 The applicant has submitted a report from an independent highway engineer and consultant. He has concluded that the revised proposals in relation to the car parking provision, layout and vehicular access are acceptable and in line with Policy CP5 of the Core Strategy and Policies TP8 and of the Development Management DPD, as well as The London Plan. The scheme has altered from the previously proposed layout so that there would no longer be any impact on the existing level of on - street residents parking bays.

5.71 Each of the residential units would have 1no car space each, which would include a battery charger for electric cars. The B1a offices would have 1no car parking space as well, which given the proximity of the town centre and public transport services to the site and the offered 4-5no secure cycle storage racks for staff to use, is considered to be an acceptable level of car parking provision, and in line with the LPA's standards.

5.72 Secure cycle storage is also proposed for the dwelling units, on the basis of one rack/space per unit, and the details of this can be agreed through a planning condition. The refuse and recycling bin enclosure is accessible from the street and now meets the required standard and size for refuse collection services.

5.73 It would be possible, if the local planning authority wished to enter into a Section 106 Agreement relating to the provision of a car club on the site for the B1a office users and the prevention of future occupiers of the residential units from claiming resident parking permits in Park Lane. These matters can be the subject of early discussion in due course in relation to that Section 106 Agreement.

Trees

5.74 Policy CP4 of the Core Strategy and Policy DC4 and DMOS5 of the Development Management DPD seek to protect existing trees and discourage schemes which would result in a significant loss of wildlife or landscaping. The existing trees on the site have been surveyed by an independent arboricultural specialist, Patrick Stileman, and his recommendations made previously have been accepted by the Council's Tree Officer. The proposed replacement trees and their siting were also agreed and are not proposed to be changed.

Planning Obligations and CIL Charges

- 5.75 The applicant has prepared his various financial viability assessments on the basis that he will be liable for the CIL Charge for residential new build here only. This is with reference to the Council's CIL Charging Schedule in Draft and the recommendations of the independent examiner. The CIL Charges are expected to come into effect on 1st November 2014, when this application is likely to be being considered or even to have been determined, and they are therefore material and will be imposed on the developer in due course when a start is made on site.
- 5.76 The Mayoral CIL Charge for Crossrail is in place already and has also been factored into the financial viability assessments that have been prepared for various options on the site.
- 5.77 A Section 106 Unilateral Undertaking will be submitted to the Council in due course once the level of off - site affordable housing contribution is agreed.

6. CONCLUSIONS

- 6.1 These revised mixed use proposals have taken full account of the Council's planning policies as set out in the development plan and are in accord with the NPPF and The London Plan. They now offer the Council a mixed use set of proposals which would see the BTM restored and enabled to have a new life in a much more sustainable form and construction, but without any change to its character and appearance. In addition much needed new market housing, a substantial contribution towards off - site affordable housing, and some retained employment floor space can be provided for the same no of employees who currently work here.
- 6.2 It is in the long term interest of the BTM and Conservation Area that this revised scheme is granted planning permission and the development allowed to proceed. The application, if granted planning permission will as advised above release a considerable amount of money for off – site affordable housing which would otherwise not be released if the local planning authority continues to insist upon the same level of employment floor space being retained.
- 6.3 The basis for that level of off - site affordable housing contribution is supported by the robust viability appraisals undertaken by Pioneer as assessed against the alternative use value of this brown field site, which is the most appropriate and valid comparison to use.
- 6.4 It would also be in the interests of the local residents who live alongside the site to have this scheme approved, so that the potential alternative commercial uses which would otherwise generate far noisier and dirty commercial uses being operated from the site can be avoided permanently.

Chris Watts MRTPI DMS

19th August 2014.