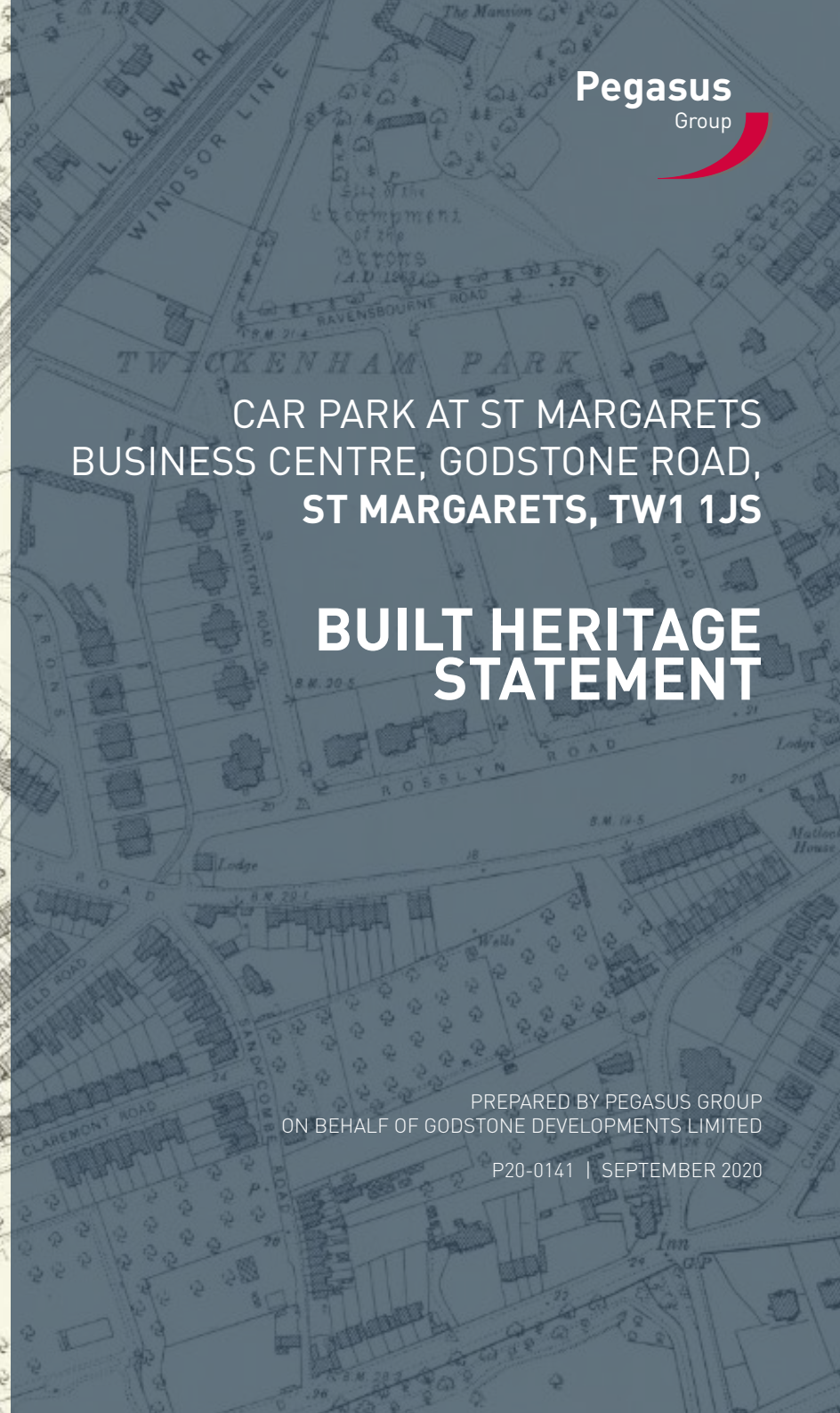


CAR PARK AT ST MARGARETS  
BUSINESS CENTRE, GODSTONE ROAD,  
ST MARGARETS, TW1 1JS

# BUILT HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP  
ON BEHALF OF GODSTONE DEVELOPMENTS LIMITED

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DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

# BUILT HERITAGE STATEMENT

**CAR PARK AT ST MARGARETS BUSINESS CENTRE, GODSTONE ROAD,  
ST MARGARETS, TW1 1JS**

**ON BEHALF OF: GODSTONE DEVELOPMENTS LIMITED**

Prepared by: Claire Gayle, IHBC

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## **CONTENTS:**

<b>1.</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2.</b>	<b>SITE DESCRIPTION AND PLANNING HISTORY</b>	<b>3</b>
<b>3.</b>	<b>PROPOSED DEVELOPMENT</b>	<b>9</b>
<b>4.</b>	<b>METHODOLOGY</b>	<b>10</b>
<b>5.</b>	<b>PLANNING POLICY FRAMEWORK</b>	<b>16</b>
<b>6.</b>	<b>THE HISTORIC ENVIRONMENT</b>	<b>28</b>
<b>7.</b>	<b>ASSESSMENT OF HARM OR BENEFITS</b>	<b>35</b>
<b>8.</b>	<b>CONCLUSIONS</b>	<b>39</b>

## **APPENDICES:**

**APPENDIX 1: PRE-APPLICATION ADVICE (2019)**

**APPENDIX 2: AMYAND PARK ROAD CONSERVATION AREA MAP**

**APPENDIX 3: CROWN ROAD CONSERVATION AREA MAP**



## **PLATES:**

<b>PLATE 1: SITE LOCATION PLAN.</b>	<b>2</b>
<b>PLATE 2: THE NORTHERN BOUNDARY OF THE SITE FACING GODSTONE ROAD.</b>	<b>3</b>
<b>PLATE 3: THE SITE WHEN VIEWED FROM THE ENTRANCE TO THE BUSINESS PARK (LOOKING NORTH).</b>	<b>3</b>
<b>PLATE 4: THE EASTERN BOUNDARY OF THE SITE ALONG WINCHESTER ROAD.</b>	<b>4</b>
<b>PLATE 5: THE SITE IN WINTER MONTHS.</b>	<b>4</b>
<b>PLATE 6: 1841 TITHE MAP.</b>	<b>4</b>
<b>PLATE 7: 1881 ORDNANCE SURVEY MAP.</b>	<b>5</b>
<b>PLATE 8: 1897 ORDNANCE SURVEY MAP.</b>	<b>5</b>
<b>PLATE 9: 1915 ORDNANCE SURVEY MAP.</b>	<b>6</b>
<b>PLATE 10: 1936 ORDNANCE SURVEY MAP.</b>	<b>6</b>
<b>PLATE 11: 1960 ORDNANCE SURVEY MAP.</b>	<b>7</b>
<b>PLATE 12: 1985-95 ORDNANCE SURVEY MAP.</b>	<b>7</b>
<b>PLATE 13: SITE (RED), AMYAND PARK ROAD CONSERVATION AREA (GREEN) AND CROWN ROAD CONSERVATION AREA (BLUE).</b>	<b>29</b>
<b>PLATE 14: LARGER PROPERTIES ON THE SOUTH SIDE OF AMYAND PARK ROAD.</b>	<b>30</b>
<b>PLATE 15: TERRACED HOUSING ON THE NORTH SIDE OF AMYAND PARK ROAD.</b>	<b>30</b>
<b>PLATE 16: CANDLER ALMSHOUSES, A BUILDING OF TOWNSCAPE MERIT.</b>	<b>31</b>
<b>PLATE 17: GRADE II LISTED DEVONCROFT HOUSE.</b>	<b>31</b>
<b>PLATE 18: VIEW WITHIN THE CONSERVATION AREA BOUNDARY TOWARDS THE SITE IN SUMMER.</b>	<b>32</b>
<b>PLATE 19: VIEW WITHIN THE CONSERVATION AREA BOUNDARY TOWARDS THE SITE IN WINTER.</b>	<b>32</b>
<b>PLATE 20: VIEW FROM THE END OF AMYAND COTTAGES.</b>	<b>33</b>
<b>PLATE 21: VIEW TOWARDS THE STATION FROM ST. MARGARET'S TAVERN (LEFT).</b>	<b>34</b>
<b>PLATE 22: THE SHOPPING PARADES ALONG ST. MARGARET'S ROAD NORTH OF THE STATION.</b>	<b>34</b>

# 1. Introduction

- 1.1 Pegasus Group have been commissioned by Godstone Developments Limited to prepare a Built Heritage Statement to consider the proposed development of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping on the existing Car Park At St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS as shown on the Site Location Plan provided at Plate 1.
- 1.2 The site falls within 50 metres of the Amyand Park Road Conservation Area and 200 metres of the Crown Road Conservation Area; therefore, the development has the potential to impact the setting of the Conservation Areas.
- 1.3 The proposals seek Planning Permission for the erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (including the removal of some existing trees).
- 1.4 This Built Heritage Statement provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF<sup>1</sup>) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*<sup>2</sup>

- 1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 193 to 197 of the National Planning Policy Framework (NPPF), any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.
- 1.6 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance*"<sup>3</sup>.

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<sup>1</sup> Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, February 2019).

<sup>2</sup> MHCLG, *NPPF*, paragraph 189.

<sup>3</sup> MHCLG, *NPPF*, paragraph 189.

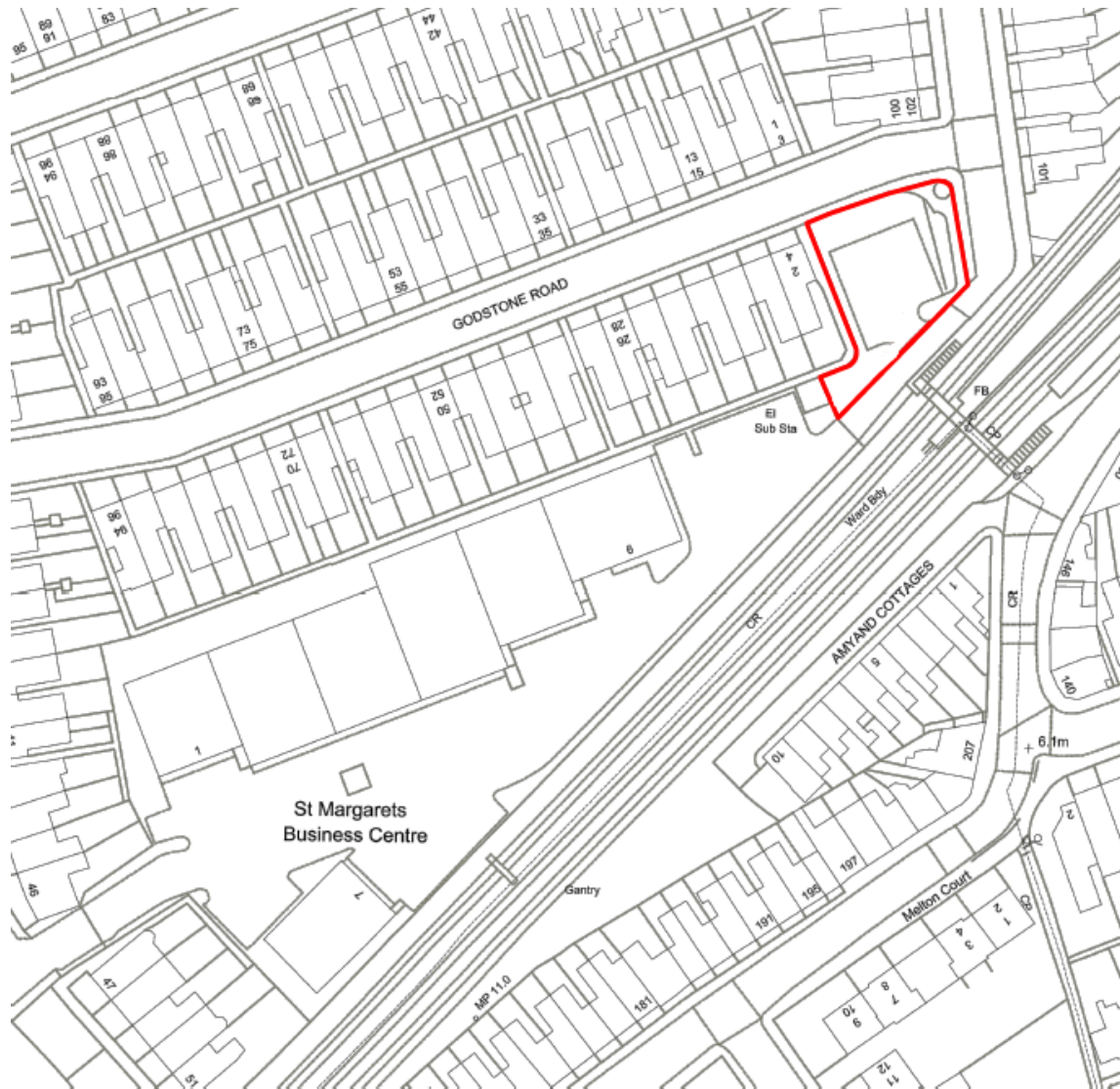


Plate 1: Site location plan.

## 2. Site Description and Planning History

- 2.1 The site comprises land formerly used as a “overspill” car park associated with the St Margarets Business Centre, which adjoins the site to the south-west. To the west, it is bounded by a tall brick wall, which is also lined with vegetation. The north and east boundaries of the site are occupied by trees and shrubs, clearly defining its separation from the residential development beyond and associating it more closely to the Business Centre.



*Plate 2: The northern boundary of the site facing Godstone Road.*



*Plate 3: The site when viewed from the entrance to the Business Park (looking north).*





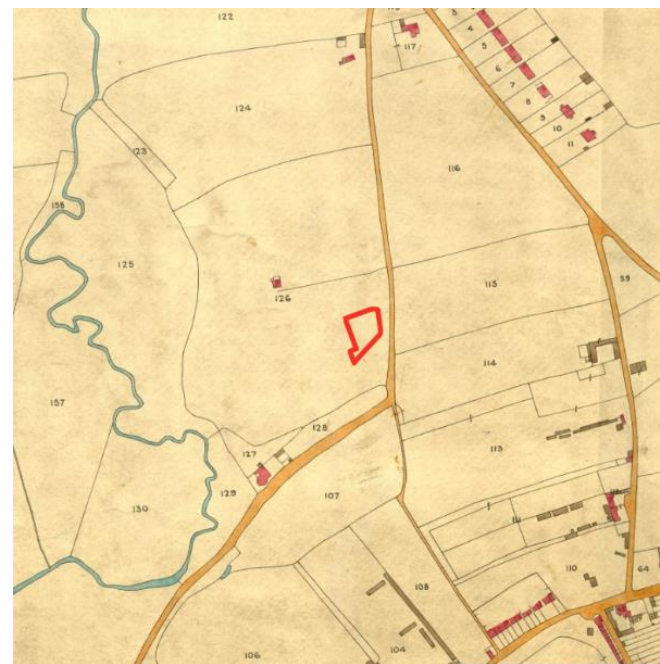
*Plate 4: The eastern boundary of the site along Winchester Road.*



*Plate 5: The site in winter months.*

## **Site Development**

- 2.2 Until the second half of the 19<sup>th</sup> century, the site formed part of agricultural enclosures. The 1841 Tithe Map shows the plot under the ownership of Catherine Nettleship and occupied by William Goswell (Plate 6). Built form was shown to the north of the site at the centre of this wider plot. The surrounding plots were under different ownerships with different tenants. The map also shows that the principal thoroughfares at this time were what are now Amyand Park Road, Winchester Road and St. Margarets Road.



*Plate 6: 1841 Tithe Map.*

2.3 However, by the time the 1881 Ordnance Survey Map was produced, the railway had bisected these thoroughfares and the wider area, including the plot in which the site formed part of (Plate 7). Towards the top of the map extract, the first instances of terraced housing are seen along Winchester Road (labelled as Turks Lane).



Plate 7: 1881 Ordnance Survey Map.

2.4 The 1897 Ordnance Map shows more terraced streets being erected to the north of the site and the west of Turks Road (Plate 8). Terraced housing is also seen to the south of the railway.



Plate 8: 1897 Ordnance Survey Map.



2.5 The 1915 Ordnance Survey Map demonstrates the considerable development that occurred in the first two decades of the 20<sup>th</sup> century (Plate 9). The area at this time was almost entirely covered by terraced housing. The larger open spaces remaining included a newly created park to the west of the site occupying land on either side of the River Crane as well as nurseries to the south of the railway and north of Richmond Road. Immediately to the south of the terraced housing adjacent to the site was the 'Poultry Appliance Works.' The buildings forming these works extended onto the application site.



*Plate 9: 1915 Ordnance Survey Map.*

2.6 The 1936 Ordnance Survey Map shows few changes within the immediate surroundings of the site: the incorporation of more terraced housing and tennis courts; however, the works on the site and to its west had become the 'St. Margarets Works (Metal Engineering)' (Plate 10). Despite the name change, the built form on the site did not change.



*Plate 10: 1936 Ordnance Survey Map.*

2.7 By 1960, the Works had expanded with the built form on the site extended to the north (Plate 11). There were no other changes in the immediate surroundings.



Plate 11: 1960 Ordnance Survey Map.

2.8 At some point between 1960 and the late 80s or early 90s, the works on the site and the land adjacent to the railway were demolished and a Business Centre was erected (Plate 12). The site was left vacant and was ultimately developed into a car park bounded by vegetation that was likely planted as screening from the residences beyond.



Plate 12: 1985-95 Ordnance Survey Map.



### **Site Planning History**

- 2.9 Whilst the historic mapping described above indicates the development of the local area, a review of the recent planning history records held online by the London Borough of Richmond-upon-Thames has indicated no previous applications within the last 25 years. However, the site has been subject to pre-applications in the past related to the redevelopment of the site, as follows:
- 2.10 **19/P2086/PREAPP** | Residential development of the site to provide 4 no. three storey residential dwellings (4 x 4 bed dwellings) with mansard roof at second floor, two car parking spaces, 8 no. cycle spaces and associated front and rear garden. | Advice letter not yet issued.
- 2.11 **18/P0209/PREAPP** | Stage one pre-application submission to establish the principle and general site capacity for residential development of the site. | Advice issued 7<sup>th</sup> November 2019.
- 2.12 The pre-application letter established the acceptability of continuing the terrace on Godstone Road and provided comments on several aspects of the scheme, including the design of the development and how it should relate to the existing built form on Godstone Road. The proximity to the Crown Road and Amyand Park Road Conservation Areas was not mentioned within the letter. The advice can be found in Appendix 1.
- 2.13 **16/P0287/PREAPP** | Redevelopment of the site for mixed use development, comprising of office (Class B1(a)) and residential (Class C3) uses.
- 2.14 **09/P0022/PREAPP** | Various scheme for re-development of the site for proposed housing for apartments (Class C3) and office units (Class B1(a)).

### **APPENDIX 1: PRE-APPLICATION ADVICE (2019)**

# 3. Proposed Development

- 3.1 The proposals seek Planning Permission for the erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).
- 3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:
- **Proposed Layouts – P-001-B**
  - **Proposed Front and Rear Elevations – P-002-A**
  - **Proposed Side Elevations – P-003-A**
  - **Proposed Context Elevations – P-004-A**
- 3.3 Section 7 of this Report presents an analysis of the harm or benefits of the proposed development on the identified heritage assets discussed at Section 6.

# 4. Methodology

4.1 The aims of this Built Heritage Statement are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

### Site Visit

4.2 A site visit was undertaken by a Heritage Consultant from Pegasus Group on 14<sup>th</sup> July 2020, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

### Sources

4.3 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **The Amyand Park Road Conservation Area Statement (n.d.) and Study (2001) as prepared**

**by the Borough of Richmond;**

- **The Crown Road Conservation Area Statement (n.d.) and Study (2001) as prepared by the Borough of Richmond;**
- **Archival sources held at the London Metropolitan Archive and Historic England Archives, Swindon; and**
- **Aerial photographs and satellite imagery.**

### Assessment of significance

4.4 In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*<sup>4</sup>

4.5 Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*<sup>5</sup> (hereafter GPA 2) gives advice on the

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<sup>4</sup> MHCLG, *NPPF*, p. 71.

<sup>5</sup> Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2<sup>nd</sup> edition, Swindon, July 2015).

assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

4.6 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.<sup>6</sup> These essentially cover the heritage 'interests' given in the glossary of the NPPF<sup>7</sup> and the online Planning Practice Guidance on the Historic Environment<sup>8</sup> (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.

4.7 The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of

<sup>6</sup> English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

<sup>7</sup> MHCLG, *NPPF*, p. 71.

<sup>8</sup> Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019),

*buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."*

- **Historic interest:** "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."<sup>9</sup>

4.8 Significance results from a combination of any, some or all of the interests described above.

4.9 The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, *Historic England Advice Note 12*,<sup>10</sup> advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

4.10 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively,

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

<sup>9</sup> MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

<sup>10</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, *Historic England Advice Note 12* (Swindon, October 2019).



associated with archaeological interest.

#### Setting and significance

4.11 As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."<sup>11</sup>*

4.12 Setting is defined as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."<sup>12</sup>*

4.13 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

#### Assessing change through alteration to setting

4.14 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*<sup>13</sup> (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".<sup>14</sup>

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<sup>11</sup> MHCLG, *NPPF*, p. 71.

<sup>12</sup> MHCLG, *NPPF*, p. 71.

4.15 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

4.16 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

4.17 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement

<sup>13</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017).

<sup>14</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017), p. 8.

(referring to an earlier Court of Appeal judgement)<sup>15</sup>:

*Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56).”*

*Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”*

#### Levels of significance

4.18 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the

significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

4.19 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.<sup>16</sup>

<sup>15</sup> *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

<sup>16</sup> MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

4.20 Additionally, it is of course possible that sites, buildings or areas have ***no heritage significance***.

Assessment of harm

4.21 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

4.22 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** *It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced";<sup>17</sup> and*
- **Less than substantial harm.** *Harm of a lesser level than that defined above.*

4.23 With regards to these two categories, the PPG states:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."<sup>18</sup>*

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<sup>17</sup> *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

<sup>18</sup> MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

4.24 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

4.25 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

4.26 It is also possible that development proposals will cause ***no harm or preserve*** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.<sup>19</sup>

4.27 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".<sup>20</sup> Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an

<sup>19</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

<sup>20</sup> Historic England, GPA 2, p. 9.

asset that matters.

4.28 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating “what matters and why”. Of particular relevance is the checklist given on page 13 of GPA 3.

4.29 It should be noted that this key document also states that:

*“Setting is not itself a heritage asset, nor a heritage designation...”<sup>21</sup>*

4.30 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

4.31 With regards to changes in setting, GPA 3 states that:

*“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.<sup>22</sup>*

4.32 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm,

however minor, would necessarily require Planning Permission to be refused.<sup>23</sup>

#### Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

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<sup>21</sup> Historic England, *GPA 3*, p. 4.

<sup>22</sup> Historic England, *GPA 3*, p. 8.

<sup>23</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.



# 5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

## Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,<sup>24</sup> which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

5.4 Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the

character and appearance of the designated Conservation Area that is the focus of special attention.

5.5 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservation Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>25</sup>

## National Planning Policy Guidance

### The National Planning Policy Framework (February 2019)

5.6 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous NPPF 2018 which in turn had amended and superseded the 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.7 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to

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<sup>24</sup> UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

<sup>25</sup> UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

5.8 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

5.9 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

- a. plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

*For decision-taking this means:*

- a. approving development proposals that accord with an up-to-date development plan without delay; or*
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. *the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*<sup>26</sup>

5.10 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."<sup>27</sup> (our emphasis)*

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<sup>26</sup> MHCLG, *NPPF*, para. 11.

<sup>27</sup> MHCLG, *NPPF*, para. 11, fn. 6.

5.11 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

5.12 Heritage Assets are defined in the NPPF as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."*<sup>28</sup>

5.13 The NPPF goes on to define a Designated Heritage Asset as a:

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."<sup>29</sup> (our emphasis)*

5.14 As set out above, significance is also defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of*

<sup>28</sup> MHCLG, *NPPF*, p. 67.

<sup>29</sup> MHCLG, *NPPF*, p. 66.

*Outstanding Universal Value forms part of its significance.*<sup>30</sup>

5.15 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*<sup>31</sup>

5.16 Paragraph 192 goes on to state that:

*"In determining planning applications, local planning authorities should take account of:*

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- c. the desirability of new development making a positive contribution to local character and distinctiveness."*<sup>32</sup>

5.17 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*<sup>33</sup>

*"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*<sup>34</sup>

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<sup>30</sup> MHCLG, *NPPF*, p. 71.

<sup>31</sup> MHCLG, *NPPF*, para. 190.

<sup>32</sup> MHCLG, *NPPF*, para. 192.

<sup>33</sup> MHCLG, *NPPF*, para. 193.

<sup>34</sup> MHCLG, *NPPF*, para. 194.

5.18 Section b) of paragraph 194, which describes assets of the highest significance, also includes footnote 63 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

5.19 In the context of the above, it should be noted that paragraph 195 reads as follows:

*"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use."<sup>35</sup>*

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<sup>35</sup> MHCLG, *NPPF*, para. 195.

<sup>36</sup> MHCLG, *NPPF*, para. 196.

5.20 Paragraph 196 goes on to state:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."<sup>36</sup>*

5.21 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."<sup>37</sup>*

5.22 Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"*<sup>38</sup> and with regard to the potential harm from a proposed development states:

*"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its*

<sup>37</sup> MHCLG, *NPPF*, para. 200.

<sup>38</sup> MHCLG, *NPPF*, para. 201.



*contribution to the significance of the Conservation Area or World Heritage Site as a whole.”<sup>39</sup> (our emphasis)*

- 5.23 With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”<sup>40</sup>*

- 5.24 Footnote 63 of the NPPF clarifies that non-designated assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.
- 5.25 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material

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<sup>39</sup> Ibid.

<sup>40</sup> MHCLG, *NPPF*, para. 197.

considerations for application proposals.

#### National Planning Practice Guidance

- 5.26 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 5.27 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 5.28 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

*“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”<sup>41</sup>*

<sup>41</sup> MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

5.29 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

*"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."* <sup>42</sup> (our emphasis)

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<sup>42</sup> MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

## **Local Planning Policy**

5.30 Planning applications within the London Borough of Richmond upon Thames are currently considered in accordance with The London Plan and The London Borough of Richmond Local Plan (adopted 3 March 2020).

5.31 Policy LP1 deals with Local Character and Design Quality. It states:

*"A. The Council will require all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

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

*1. compatibility with local character including the relationship to existing townscape, development patterns, views, local grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing;*

*2. sustainable design and construction, including adaptability, subject to aesthetic considerations;*

3. layout, siting and access, including making best use of land;

4. space between buildings, relationship of heights to widths and relationship to the public realm, heritage assets and natural features;

5. inclusive design, connectivity, permeability (as such gated developments will not be permitted), natural surveillance and orientation; and

6. suitability and compatibility of uses, taking account of any potential adverse impacts of the colocation of uses through the layout, design and management of the site.

*All proposals, including extensions, alterations and shopfronts, will be assessed against the policies contained within a neighbourhood plan where applicable, and the advice set out in the relevant Village Planning Guidance and other SPDs relating to character and design."*

5.32 Policy LP3 deals with Designated Heritage Assets and states:

*"A. The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, Scheduled Monuments as well as the Registered Historic Parks and Gardens, will be conserved and enhanced by the following means:*

1. Give great weight to the conservation of the heritage asset when considering the impact of a proposed development on the significance of the asset.

2. Resist the demolition in whole, or in part, of listed building. Consent for demolition of Grade II listed buildings will only be granted in exceptional circumstances and for Grade II\* and Grade I listed buildings in wholly exceptional circumstances following a thorough assessment of the justification for the proposal and the significance of the asset.

3. Resist the change of use of listed buildings where their significance would be harmed, particularly where the current use contributes to the character of the surrounding area and to its sense of place.

4. Require the retention and preservation of the original structure, layout, architectural features, materials as well as later features of interest within listed buildings, and resist the removal or modification of features that are both internally and externally of architectural importance or that contribute to the significance of the asset.

5. Demolitions (in whole or in part), alterations, extensions and any other modifications to listed buildings should be based on an accurate understanding of the significance of the heritage asset.

6. Require, where appropriate, the reinstatement of internal and external features of special architectural or historic significance within listed buildings, and the removal of internal and external features that

*harm the significance of the asset, commensurate with the extent of proposed development.*

*7. Require the use of appropriate materials and techniques and strongly encourage any works or repairs to a designated heritage asset to be carried out in a correct, scholarly manner by appropriate specialists.*

*8. Protect and enhance the borough's registered Historic Parks and Gardens by ensuring that proposals do not have an adverse effect on their significance, including their setting and/or views to and from the registered landscape.*

*9. Protect Scheduled Monuments by ensuring proposals do not have an adverse impact on their significance.*

*B. Resist substantial demolition in Conservation Areas and any changes that could harm heritage assets, unless it can be demonstrated that:*

*1. in the case of substantial harm or loss to the significance of the heritage asset, it is necessary to achieve substantial public benefits that outweigh that harm or loss;*

*2. in the case of less than substantial harm to the significance of the heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; or*

*3. the building or part of the building or structure makes no positive contribution to the character or distinctiveness of the area.*

*C. All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or the appearance of the Conservation Area.*

*D. Where there is evidence of intentional damage or deliberate neglect to a designated heritage asset, its current condition will not be taken into account in the decision-making process.*

*E. Outline planning applications will not be accepted in Conservation Areas. The Council's Conservation Area Statements, and where available Conservation Area Studies, and/or Management Plans, will be used as a basis for assessing development proposals within, or where it would affect the setting of, Conservation Areas, together with other policy guidance, such as Village Planning Guidance SPDs."*

5.33 Policy LP5 deals with Views and Vistas and states:

*"The Council will protect the quality of the views, vistas, gaps and the skyline, all of which contribute significantly to the character, distinctiveness and quality of the local and wider area, by the following means:*

*1. protect the quality of the views and vistas as identified on the Policies Map, and demonstrate such through computer-generated imagery (CGI) and visual impact assessments;*

*2. resist development which interrupts, disrupts or detracts from strategic and local vistas, views, gaps and the skyline;*

*3. require developments whose visual impacts extend beyond that of the immediate street to demonstrate how views are protected or enhanced;*

4. require development to respect the setting of a landmark, taking care not to create intrusive elements in its foreground, middle ground or background;

5. seek improvements to views, vistas, gaps and the skyline, particularly where views or vistas have been obscured;

6. seek improvements to views within Conservation Areas, which:

a. are identified in Conservation Area Statements and Studies and Village Plans;

b. are within, into, and out of Conservation Areas;

c. are affected by development on sites within the setting of, or adjacent to, Conservation Areas and listed buildings."

5.34 Policy 7.8 of The London Plan concerns Heritage Assets and Archaeology and states:

"Strategic

A. London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B. Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

Planning decisions

C. Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E. New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset."

Local Plan Policies with regards to the NPPF and the 1990 Act

5.35 With regard to Local Plan policies, paragraph 213 of NPPF states that:

"...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the close the policies in the plan to the policies in the

*Framework, the greater the weight that may be given).*<sup>43</sup>

- 5.36 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 196 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 197) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.
- 5.37 In this case, although the policies within the Core Strategy (adopted April 2009) and the Development Management Plan (adopted November 2011) are of relevance, they were adopted prior to the inception of the NPPF, and as so the weight which can be attributed to them will be determined by their consistency with the policy guidance set out within the NPPF. Since the above policies do not allow for a balanced judgement to be undertaken by the decision maker, the policies are not considered to reflect the guidance within the NPPF and therefore considered to be out of date. Thus, the weight which can be attached to them in the decision-making process is limited.

### **Emerging Policy**

- 5.38 The New London Plan was drafted for consultation in December 2017 and this consultation period ended in March 2019. Greater London Authority officers are currently registering all representations received and preparing a report which will summarise the main issues.

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<sup>43</sup> MHCLG, *NPPF*, p. 213.





# 6. The Historic Environment

6.1 The site falls within 50 metres of the Amyand Park Road Conservation Area and 200 metres of the Crown Road Conservation Area; therefore, the development has the potential to impact the setting of the Conservation Areas. The location of the site in relation to the Conservation Areas can be seen in Plate 13.

6.2 The setting of the Conservation Area can also contribute to its heritage significance, although the significance derived from the setting is likely to be less than that from the built form and spaces which it contains. With regard to this, it is important to note that with regard to the setting of Conservation Areas that the statutory requirement of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply as this relates only to 'any buildings or other land *in* a conservation area' (our emphasis), and thus does not extend to their setting.

6.3 However, according to the NPPF Glossary, setting is defined as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may*

*affect the ability to appreciate that significance or may be neutral."*<sup>44</sup>

6.4 Furthermore, *Planning Note 3 (Second Edition): The Setting of Heritage Assets* states that:

*"Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated (explicitly recognised in green belt designations)."*<sup>45</sup>

6.5 This section will assess the existing character and appearance of the Conservation Areas and how the site may or may not contribute to these.

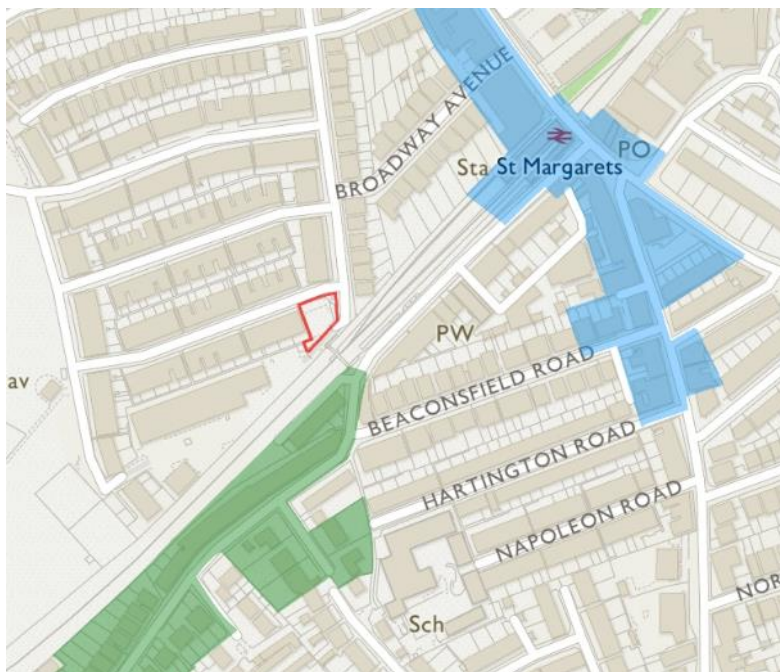
6.6 It is widely accepted (paragraph 201 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of any asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout

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<sup>44</sup> NPPF Annex 2: Glossary,

<sup>45</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*, p.3.

of space or land use associated with a building or an area.



*Plate 13: Site (red), Amyand Park Road Conservation Area (green) and Crown Road Conservation Area (blue).*

#### Amyand Park Road Conservation Area

- 6.7 The Amyand Park Road Conservation Area was designated on 14<sup>th</sup> June 1988 and later extended on 20<sup>th</sup> February 2001. The London Borough of Richmond has prepared a Conservation Area Statement which describes its character, problems and pressures, and opportunities for enhancement. It also has a study document from 2001 that goes into more detail on the Conservation Area. The full Conservation Area boundary can be

found in Appendix 2.

## **APPENDIX 2: AMYAND PARK ROAD CONSERVATION AREA MAP**

- 6.8 The Statement describes the character as follows:

*"This is an attractive area of late Victorian and Edwardian buildings, and Oak House is probably of earlier origin. The buildings are predominantly terraces and semi detached cottages, although larger three storey brick properties with decorative moulded window and door surrounds are located towards the south west end of Amyand Park Road. The area has a strong character and has many individual buildings of architectural merit. St. John's Hospital, which includes a fine 18<sup>th</sup> century listed building, Amyand House and Oak Lane Cemetery form important landmarks and attractive open space" (Plate 14 and Plate 15).*

- 6.9 There are a number of large trees within the boundary of the Conservation Area, notably within rear gardens, or the front gardens of the larger properties, which provide important greenery to the streetscape. There are a number of Buildings of Townscape Merit as well as some statutorily Listed Buildings within the Conservation Area boundaries, demonstrating the high quality and variety of the townscape (Plate 16 and Plate 17).
- 6.10 Problems and pressures within the Conservation Area are noted to include loss of traditional architectural features and materials due to unsympathetic alterations, loss of front boundary treatments and front gardens for car parking, domination of traffic and lack of coordination and poor quality of street

furniture and paving.

- 6.11 Therefore, it is considered that the significance of the Conservation Area is embodied in the high quality built form and suburban character with intermittent green spaces and its variety of architectural styles.



*Plate 14: Larger properties on the south side of Amyand Park Road.*



*Plate 15: Terraced housing on the north side of Amyand Park Road.*





Plate 16: Candler Almshouses, a Building of Townscape Merit.



Plate 17: Grade II Listed Devoncroft House.

### Setting

6.12 The setting of the Conservation Area also contributes to the significance of the asset, although the significance derived from the setting is less than that from the elements within the boundary that contribute to its interest. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- **Mature trees and planting; and**
- **Historic built form illustrating the former rural or current suburban characters.**

6.13 The Conservation Area Study (2001) describes the setting of the Conservation Area as follows:

*"The conservation area is in close proximity to the railway line and runs parallel to York Street and Richmond Road. Oak Lane Cemetery is visually a great asset and could provide much needed public open space, as a tranquil sitting out area."*

6.14 It should be noted that the Oak Lane Cemetery falls within the boundary of the Conservation Area.

### Contribution of the Site

6.15 The site is only visible at the northern-most end of the Conservation Area near the pedestrian crossing over the railway, which falls outside of the Conservation Area boundary (Plate 18). The view from Aymand Park Road is dominated by the bridge and the railway, although the trees on the site can be

glimpsed beyond, along with the neighbouring terraced houses along Godstone Road. Whilst the trees on the site provide a softer background within the view, this is only limited to summer months (Plate 19). Furthermore, the qualities of the Amyand Park Road Conservation Area, notably, the built form, cannot be appreciated within this view. This view simply demonstrates the suburban setting of the Conservation Area, and the Application Site as a car park associated with the Business Centre bounded by trees which were planted as part of the redevelopment of the former works site in the 20<sup>th</sup> century.



*Plate 18: View within the Conservation Area boundary towards the site in summer.*



*Plate 19: View within the Conservation Area boundary towards the site in winter.*

- 6.16 The Application Site is also visible from the properties of Amyand Cottages (Plate 20). However, like the previous view, this view is dominated by the railway and pedestrian bridge. The trees of the site would again be visible alongside the terraced houses. The openness of the site is evident here, with the flank wall of 100-102 Winchester Road seen behind the site. However, this openness is not a public green space and thus is not indicative of the close-knit townscape in the immediate surrounds.





*Plate 20: View from the end of Amyand Cottages.*

- 6.17 Therefore, it is considered that the Application Site makes a neutral contribution to the significance of the Conservation Area through setting.

#### Crown Road Conservation Area

- 6.18 The Crown Road Conservation Area was designed on 14<sup>th</sup> June 1988 and extended on 29<sup>th</sup> January 1996. The London Borough of Richmond has prepared a Conservation Area Statement which describes its character, problems and pressures, and opportunities for enhancement. It also has a study document from 2001 that goes into more detail on the character of the Conservation Area and the nearby Twickenham Park Conservation Area. The full Conservation Area boundary can be

found in Appendix 3.

### **APPENDIX 3: CROWN ROAD CONSERVATION AREA MAP**

- 6.19 The Statement describes the character as follows:

*"The shopping frontage, railway station and other buildings form a continuous unified frontage in terms of architectural style and materials. The buildings date from the late 1880s and include a number of original shopfronts, and good quality detail such as terracotta panels and swags. The public house creates a major landmark and the area has a distinct physical identity. The island site also includes a small terrace of early largely unaltered cottages of great character and charm.*

[...]

*The area could be described as being composed of the commercial frontage of a densely developed surrounding residential area. The station building (currently heavily disfigured by an ugly canopy), the flower stall adjacent to no.165 St. Margaret's Road and the many interesting shop frontages add visual variety and activity to the core of this area."*

- 6.20 The Conservation Area does not contain any Listed Buildings or Buildings of Townscape Merit, but it is clear that the significance of the Conservation Area is embodied in the consistency of the architecture along Crown Road and St. Margaret's Road and its character as a commercial centre in the area (Plate 21 and Plate 22).



*Plate 21: View towards the station from St. Margaret's Tavern (left).*



*Plate 22: The shopping parades along St. Margaret's Road north of the station.*

### *Setting*

6.21 The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from the elements within the boundary that contribute to its interest. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- **The dense Victorian and Edwardian development (notably in the form of terraced housing).**

### *Contribution of the Site*

6.22 The Application Site is not visible from any positions within the Conservation Area boundaries due to interposing built form. Therefore, by virtue of the existing use of the Site, in conjunction with the inability to appreciate the only element which may be considered to contribute, albeit to a minor degree (the trees), the Site is not considered to contribute to the significance of the Crown Road Conservation Area through setting.

# 7. Assessment of Harm or Benefits

- 7.1 This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Planning Permission, in line with the proposals set out in Section 3 of this Report.
- 7.2 The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 72(1) confirms that considerable weight should be given to the protection of the character and appearance of a Conservation Area. In addition, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Conservation Areas, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the heritage

assets, in the context of paragraphs 195 and 196 of the NPPF.

- 7.4 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the proposals see the renovation of the property, including some alterations to historic fabric, the PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High Court Judgement of 2013<sup>46</sup> that substantial harm would be harm that would "*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*".
- 7.5 Given that the Site falls within close proximity to the Amyand Park Road Conservation Area and Crown Road Conservation Area, the proposals have the potential to impact upon their significance through a change in setting. This Section will provide an assessment as to any potential impacts that may arise from the proposed development.
- 7.6 When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that the site lies outside the boundaries of the Conservation Area, and the

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<sup>46</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

Conservation Areas themselves cover a large area and includes a wide variety of areas of differing characters. The Site itself represents an extremely small portion of the area outside of the Conservation Area's boundary, which may fall within its setting, and, as noted in the NPPF at paragraph 201, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e. would the application proposals undermine the significance of the Conservation Area as a whole?

- 7.7 As discussed, the Application Site is not currently considered to positively contribute to the significance of either of the Conservation Areas through setting, and is only visible from the Amyand Park Road Conservation Area. Therefore, the visual impact of the proposals on only the Amyand Park Road Conservation Area will be considered here.

#### *Position/Layout*

- 7.8 The proposals have been designed to be in line with the existing terrace on the south side of Godstone Road. This will ensure that the proposals will not be overly prominent in the streetscene, retaining this characteristic in the immediate area of regular, aligned built form.
- 7.9 The layout of the terraced buildings has also utilised traditional proportions and incorporate gardens to the rear, as seen in the surrounding townscape. This will be in keeping with the immediate area.

#### *Height*

- 7.10 Similarly, the height of the proposed dwellings will not differentiate greatly from the existing built form on Godstone or Winchester Roads. The Proposed Context Elevations (Plate 23) depict the proposals in relation to various extracts of their built form and show that, whilst the proposals will be marginally higher, this will be in keeping with the existing townscape and not dwarf any of the surrounding buildings.



*Plate 23: Proposed Godstone Road elevations.*

#### *Style*

- 7.11 The proposals have been designed to have an overtly Victorian appearance. Whilst it will not match the adjacent terrace, the properties along the street represent a number of styles from this era, which are essentially variations of each other. The proposals most notably relate to the built form seen on the western end of Godstone Road, albeit without the faux timber framing on the front-facing gable end over the bay window. These minor changes will add interest and variety to the



streetscape without distracting from its overall consistency of the wider Victorian development. The proposals do not include any front-facing dormers as per the advice in the 2019 Pre-Application response from Richmond.

7.12 To the side elevation at the end of Winchester Road, fenestration is included, unlike other side elevations seen in the immediate vicinity, this is however due to the purpose-built nature of the corner site and the proposed internal layout. However, due to the road layout and footfall to access the pedestrian bridge, it is considered that this treatment will be an appropriate incorporation into the streetscape, acknowledging the active use of the end of Winchester Road.

7.13 To the rear, a central bay with blind windows to either side is proposed on each of the terraced houses. At roof level, a central decorative dormer is proposed. The overall appearance of the elevation also relates to the built form seen on Crown Road and St. Margaret's Road which is contemporary with the dense residential development in the immediate surroundings.

7.14 Smaller details, such as the stone window head details and subsills and brick arches and soldier course aprons will further allow the buildings to blend in with their high-quality historic context.

#### *Materials*

7.15 The materiality of the proposals has also been influenced by the existing street and includes red brick, stone and tile roofs. This is also in keeping with the immediate context.

#### *Boundary Treatment*

7.16 The boundary treatment to the front and side of the Application Site is proposed to be in a low brick wall. Although the surrounding area has a mix of treatments, including low timber fences and various forms of brick walls, the low red brick wall will relate to the host building and reinforce the consistency in the streetscape. This approach follows the guidance set out from Richmond within the 2019 Pre-App Response. To the rear, it is proposed to have timber fences, which will separate the gardens from the proposed parking. The use of timber is also consistent with the surrounding area.

#### *Summary of Design*

7.17 Overall, the proposals have a traditional appearance, as recommended by Richmond in the 2019 Pre-App Response. The proposals are thus in keeping with the existing townscape and will provide a sensitive introduction of new built form to the Site.

#### *View from Amyand Cottages and Amyand Park Road*

7.18 The views from these positions will now include the proposed development; however, as explained above, the proposals include well-proportioned and sensitively designed built form that relates to its immediate context. Although the views will no longer retain the existing trees, the ability to appreciate the dense, suburban setting of the Amyand Park Road Conservation Area will be reinforced. Therefore, the introduction of built form on the site will have no impact on these views or the ability to understand and appreciate the elements of the setting which

contribute to the significance of the Conservation Area.

Summary

- 7.19 With reference to the levels of harm in the NPPF, the proposals are considered to result in 'no harm' to the Amyand Park Road Conservation Area through a change in setting.

## 8. Conclusions

- 8.1 The proposals seek the redevelopment of the site with the construction of a four units in the form of terraced houses.
- 8.2 The application site, which has previously contained built form on its southern side and was later transformed into a car park to support the St. Margaret's Business Centre, is currently considered to make a neutral contribution to the significance of the Amyand Park Road Conservation Area through setting. The site, however, is not considered to contribute to the significance of the Crown Road Conservation Area through setting.
- 8.3 The proposals have been designed to relate to existing built form on the surrounding streets, utilising traditional forms, elements and detailing. Although the proposals include the removal of the existing trees on the site, the incorporation of the high-quality built form which is in keeping with its surrounds will reinforce the character of the area.
- 8.4 Therefore, the proposals will not result in any negative impacts on the setting of the Amyand Park Road Conservation Area. With reference to the levels of harm in the NPPF, the proposals will result in no harm to the significance of the Conservation Area through a change in setting. The proposals will also satisfy relevant local and national planning policy.

# Appendix 1: Pre-Application Advice (2019)

**Environment Directorate**

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fax: 020 8891 7789  
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Our ref: 19/P0286/PREAPP

Mr James Shephard  
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Contact: Thomas Faherty  
[Thomas.faherty@richmondandwandsworth.gov.uk](mailto:Thomas.faherty@richmondandwandsworth.gov.uk)

Date: 7 November 2019

**BY EMAIL ONLY**

Dear James,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**LOCATION: ST MARGARETS BUSINESS CENTRE, MOOR MEAD ROAD, TWICKENHAM**

**PROPOSAL: 4 RESIDENTIAL DWELLINGS (4 X FOUR BED), EACH OF THESE DWELLINGS ARE 3-STOREY HOUSES WITH A MANSARD ROOF AT SECOND FLOOR. THE SCHEME PROVIDES TWO CAR PARKING SPACES AND 8 CYCLE SPACES ON-SITE. EACH DWELLING ALSO HAS A SMALL FRONT GARDEN, FRONTING GODSTONE ROAD, WITH LARGER SOUTH-FACING GARDEN**

I write in reference to your pre-application scheme received at the Local Planning Authority (LPA) on 30 August 2019. On the basis of this information I have the following comments to make.

**Site & Surroundings**

St Margarets Business Centre is located in St Margarets and East Twickenham Village within a protected view from Ham House to Orleans House. The site can be accessed from Drummonds Place which is located on the southern edge of the site. It is currently a wholly industrial site consisting of 7 industrial units constructed in 1988 and has been designated as a Locally Important Industrial Land and Business Park in the Local Plan. The scheme relates to the eastern side of the site which currently consists of a parking area associated with the use of the industrial site and falls outside the designation.

The site is not statutorily or locally listed and does not fall within a Conservation Area. However, the site does fall within the Flood Zone 2 and is potentially contaminated due to past Industrial Land Use. It is also noted to be within the St Margarets Village Character Area.

**Planning History**



- 18/P0209/PREAPP – Residential redevelopment of the site (Substantive advice, rather a discussion regarding land use principle and general site capacity to act as a 'stage one' pre-application meeting to be followed by a detailed program of further meetings).
- 16/P0287/PREAPP – Redevelopment of the site for mixed use development, comprising of office (B1a) and residential (C3) use.
- 09/P0022/PREAPP – Various schemes for re-development of the site for proposed housing or apartments and office units.
- 86/0975 – Release of Condition 56 attached to town planning consent no. 82/0457 (Restriction on working hours) – Refused 22.07.1986.
- 86/0689 – Release of condition (j) attached to consent 82/457 to allow the use of the two adjacent units by one occupant – Approved 08.08.1986

### Relevant policies

The following local planning policies and supplementary documents would generally apply when assessing such an application:

National Planning Policy Framework (NPPF) (2018)

London Plan (2016)

Local Plan (2018):

- LP 1 – Local Character and Design Quality
- LP 8 – Amenity and Living Conditions
- LP10 – Local Environmental Impacts, Pollution and Land Contamination
- LP15 – Biodiversity
- LP16 – Trees, Woodlands and Landscape
- LP 20 – Climate Change Adaptation
- LP 21 – Flood Risk and Sustainable Drainage
- LP 22 – Sustainable Design and Construction
- LP 24 – Waste Management
- LP 34 – New Housing
- LP 35 – Housing Mix and Standards
- LP 36 – Affordable Housing
- LP 39 – Infill, Backland and Backgarden Development
- LP 40 – Employment and Local Economy
- LP 42 – Industrial Land and Business Parks
- LP 44 – Sustainable Travel Choices
- LP 45 – Parking Standards and Servicing

Supplementary Planning Guidance:

- Design Quality SPD
- Planning Obligation Strategy SPD
- Residential Development Standards SPD (Incorporating Nationally Described Space Standards)

All local policies and documents referred to in this letter are available to view on Council's website ([www.richmond.gov.uk](http://www.richmond.gov.uk)).

### **Planning Assessment**

Key planning considerations with any potential application

- Principle of Development;
- Housing Standards;
- Design and Siting;
- Sustainability;
- Highways, Parking & Refuse;
- Residential Amenity of Neighbouring Properties;
- Affordable Housing;
- Flood Risk & Sustainable Drainage;
- Land Contamination;
- Ecology & Trees.

### **Principle of Development**

#### **Loss of industrial land/employment space**

Local plan policy LP40 seeks to retain land in employment use in order to support a diverse and strong local economy in Richmond. There is a presumption against the release of any employment land or stock in the borough to other uses. It is imperative that sufficient well-located employment land is retained or redeveloped to meet modern business needs and support a strong sustainable economy.

Policy LP42 seeks to protect and enhance the existing stock of industrial premises in the borough and introduces a presumption against loss of industrial land in all parts of the borough. This policy also identifies 'locally important industrial land and business parks' of which St Margaret's Business Centre is one.

The Council will seek to retain land, sites and buildings which were last used for employment purposes, in employment use. This is particularly important in relation to industrial land/floorspace as the Borough has a very limited supply of industrial land/floorspace to meet the high demand in the Borough as such the criteria of Policies LP40 and LP42 will need to be addressed before the loss can be accepted.

St Margarets Business Park is designated as a Locally Important Industrial Land and Business Park within Policy LP42. Whilst the parcel of land to which this application relates does not form part of the designated land, its lawful land use remains as an industrial use.

The GLA's Land for Industry and Transport SPG (2012) states that Richmond should ensure a 'restrictive' approach towards the transfer of industrial land to other uses until 2031. Further to this, the GLA has published an Industrial Land Supply and Economy Study 2015: [https://www.london.gov.uk/sites/default/files/industrial\\_land\\_supply\\_and\\_economy2015.pdf](https://www.london.gov.uk/sites/default/files/industrial_land_supply_and_economy2015.pdf). This demonstrates that Richmond Borough has a very limited supply of industrial land with 17.3 hectares of general and light industrial space and 8.1 hectare of warehousing and storage facilities. With the exception of Westminster, Kensington & Chelsea and the City of London, these figures are the lowest of all the London boroughs. This evidence suggests that the borough's 'restrictive transfer' approach is unlikely to change within the next London Plan.



In view of the above, any future application must demonstrate that the criteria in Local Plan policies LP41 and LP42 have been met before any loss of existing industrial land can be considered.

A full and proper marketing exercise for the whole site (in accordance with the Marketing Requirements set out in Appendix 5 of the Local Plan) should be undertaken advertising the site for its current use, or for acceptable alternative employment uses. In the absence of satisfactory evidence to justify the loss of existing employment uses to other employment uses, there will be a presumption against any development resulting in the loss of existing use.

The sequential approach to redevelopment should be applied as set out in policy LP42. At present, in the absence of satisfactory marketing evidence and evidence of a sequential approach, there will be a presumption against a residential led scheme on this site.

#### New housing

Only if the loss of employment/industrial land can be justified in line with Policies LP40 and LP42, would the Council consider a residential led scheme.

#### Housing standards

##### Housing mix

Policy LP35(A) states that development should generally provide family-sized housing outside of town centres and Areas of Mixed Use, and that the housing mix should be appropriate to the location. All of the proposed units would be fairly expansive in their size, and would incorporate 4 bedrooms, the Council are satisfied that these units would provide appropriate family-sized accommodation in line with the interests of Policy LP 35(A) of the Local Plan.

##### Internal space standards

*Policy LP35 requires that all new housing complies with the Nationally Described Space Standards (NDSS). The minimum standards are outlined below:*

- *A double bedroom should be 11.5sqm and 2.75m wide*
- *Head height should be at least 2.3m for a minimum of 75% of the gross internal floor area (However please note the London Plan suggests a minimum head height of 2.5m for new dwellings within London to mitigate the 'heat island' effect)*
- *Suitable storage space to be incorporated into units*
- *Communal gardens to be sheltered from roads and not overlooked from habitable rooms.*

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

The proposal is for four 4 bedroom, 8 person, 3 storey dwellings. The net internal floor space proposed for each unit is compliant with the above NDSS standards outlined above (130m<sup>2</sup>). Whilst the dwellings are proposed to have 153m<sup>2</sup> internal floor space, the floor to ceiling height and minimum room sizes in the final scheme would need to fully comply with the minimum standards. A residential standards compliance statement will need to be submitted with any future submission to demonstrate full compliance. Any shortfall will not be supported.

#### External amenity space

*The requirements of Policy LP35 and the Residential Development Standards SPD continue to apply to external amenity space. For flats a minimum of 5sqm of private outdoor space for 1-2 person dwellings should be provided and an extra 1sqm should be provided for each additional occupant.*

*Policy LP35 states that amenity spaces should be:*

- a. private, usable, functional and safe;*
- b. easily accessible from living areas;*
- c. orientated to take account of need for sunlight and shading;*
- d. of a sufficient size to meet the needs of the likely number of occupiers; and*
- e. accommodation likely to be occupied by families with young children should have direct and easy access to adequate private amenity space.*

Amenity space standards are not specified for houses within the above standards. However south facing rear gardens are located to the rear of each proposed dwelling reflecting the development pattern of the locality which is acceptable. No objection is therefore raised in relation to this part of the scheme, and it is likely to comply with Policy LP35.

Whilst roof terraces have been proposed to increase the level of amenity space benefitting the dwellings, there are concerns to this design feature which will be discussed later in the report.



### Inclusive Access

Since 1 October 2015, 90% of new housing in a development is expected to meet Building Regulation Requirement M4(2) 'accessible and acceptable dwellings' and 10% is expected to meet Building Regulation Requirement M4(3) 'wheelchair-user dwellings'. This is set out in Policy LP35(E). Both M4(2) and M4(3) require step-free access, the use of wheel chair lifts to provide access to upper floors may also be required for multi-storey development proposals.

Should a subsequent application be submitted, it is expected that this will comply with the above provisions to provide accessible designs for each dwelling. The Council would also impose a planning condition to ensure that specified units will meet the appropriate Building Regulation Requirements.

### Amenity of future occupants

It is considered that the fenestration associated with all of the units would provide prospective occupants with an adequate amount of outlook, daylight and ventilation which is acceptable..

### Design and Siting

*The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments. Whilst it states that LPAs should not impose architectural styles or particular tastes, it reinforces that it is important to consider local character and distinctiveness.*

*Local Plan Policy LP1 states new development must be of a high architectural quality based on sustainable design principles. Development must respect local character and contribute positively to its surrounding based on a thorough understanding of the site and its context. In addressing design quality, the Council will have regards to the following:*

- *Compatibility with local character including relationship with existing townscape and frontages, scale, height, massing, proportions and form*
- *Sustainable development and adaptability, subject to aesthetic considerations*
- *Layout and access*
- *Space between buildings and relationship to the public realm*
- *Detailing and material*

*The Council does not wish to encourage a particular architectural style or approach but expects each scheme to be justified as a result of a sound understanding of the site and its context. The Council will generally be opposed to any development or re-development that will be out of scale with existing surrounding development. The policy is intended to encourage analysis and sympathy with existing layout and massing, while respecting important historical styles.*

Within the Local Plan Policy LP 39 states in (A) that "All infill and backland development must reflect the character of the surrounding area and protect the amenity and living conditions of neighbours. In considering applications...the following factors should be addressed [inter alia]:



1. *Retain plots of sufficient width for adequate separation between dwellings;*
2. *Retain similar spacing between new buildings to any established spacing;*
4. *Respect the local context, in accordance with policy LP 2 Building Heights;*
5. *Enhance the street frontage (where applicable) taking account of local character;*
6. *Incorporate or reflect materials and detailing on existing dwellings, in accordance with policy LP 1 Local Character and Design Quality;*
8. *Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens, in accordance with policy LP 8 Amenity and Living Conditions;*
9. *Provide adequate servicing, recycling and refuse storage as well as cycle parking;*
10. *Result in no adverse impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking."*

The application site largely comprises hardstanding with substantial boundary trees and vegetation used for vehicle parking associated with the St Margaret's Business Centre, and can therefore be considered as previously developed land. The proposed dwellings and associated gardens and car parking would replace the hardstanding, and therefore is not considered to result in the loss of garden or amenity space in accordance with Policy LP39. The plot widths are also considered to be of sufficient width to accord with the established spacing of dwellings along Godstone Road, to which they would face. Loss of trees and vegetation will be discussed in later sections of this report.

An indicative design has been shown at this stage, with no detailed drawings submitted with this pre-application. There are no in-principle objections to the continuation of the terrace at Godstone Road. In terms of design and scale, it was noted that although somewhat taller than the surrounding terraced housing, the height does relate to elements of surrounding buildings, and on the other side of the railway. To better address the transition of the corner plot at the junction of Godstone Road and Winchester Road, it may be more appropriate that the property adjacent to No. 2 Godstone Road is stepped down to better reflect the lower height of these properties. It is recommended that street elevations are submitted with the formal application in order for Officer to fully assess the relationship between the proposed units and the existing units on Godstone Road and Winchester Road.

The proposed mansard style roofs with front dormers would not be in keeping with the street scene and will need to be omitted in any future schemes. It is suggested that these should be amended to a more traditional hipped roof appearance reflecting the character of the locality in any subsequent application be submitted. The roofing material along Godstone Road is characterised by red clay tiles whilst there is a mix of red clay tiles and grey slate along Winchester Road. Given the site's corner plot siting, traditional roofing materials reflecting the character of the locality would be recommended. A character analysis of the street scene is recommended to be undertaken in order to guide the design of the proposed development.

As submitted the third floor appears as a distinctive third storey and this should be omitted.

Front boundary treatment should reflect the low boundary wall along Godstone Road. Hard-surfacing in the forecourt should be kept to a minimum and should be porous material.

The roof terraces as shown on the current scheme will not be supported. This design feature will need to be omitted in any future schemes.



The proposal would result in the loss of significant amount of trees and vegetation along the boundary of the site. The retention of soft landscaping being key trees, landscaping and ecology will be an important consideration as per Policies LP15 and LP16 of the Local Plan in order to enhance the appearance of the area. The maximisation of soft landscaping is also recognised to have wider benefits in enhancing the development's visual amenity impact as well as sustainability benefits. On-site and off-site replacement tree planting and soft landscaping will be expected. Sufficient space should be allowed for any replacement trees to mature in order to enhance the visual amenity of the street scene.

Information provided with regard to the facing materials and detailed design of the dwellings is limited, and the Council would expect additional information in regard to this in the submission of planning application.

### **Sustainability**

On the basis that information in relation to the sustainability performance of the development has not been provided as part of this pre-application, the Council are unable to establish if the proposed development would accord with policies LP 20 and LP 22 of the Local Plan.

The applicant is advised that should the proposed redevelopment be considered acceptable; the scheme would be required to comply with the following:

- Conform to the Sustainable Construction Checklist SPG, with the development achieving a satisfactory Sustainable Construction Checklist score.
- Achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.
- Achieve a minimum 35% reduction in carbon dioxide emissions over Building Regulations 2013.
- Achieve zero carbon standards in line with London Plan Policy.
- Achieve water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.
- Be connected to a decentralised energy network (where feasible)
- Green roof/green wall to be provided in line with Policy LP17

The applicant is advised that a subsequent application would need to be accompanied with a completed Sustainable Construction Checklist and Energy Statement to demonstrate compliance with the above. Should the proposal fail to comply with the above standards then evidence would need to be provided to justify departure from these sustainability requirements.

### **Highway, Parking and Refuse**

#### **Car Parking**

*Local Plan Policy LP45 states that new development should provide appropriate cycle access and sufficient, secure cycle parking facilities. In accordance with the London Plan, the minimum cycle parking requirement for 1-bed units is one space, with two spaces required for all other dwellings.*

*In accordance with policy LP45 developments and redevelopments have to demonstrate that*

*the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. For developments in areas with a PTAL of 0-3; 1-2 bedroom dwellings are required to provide 1 no. off-street parking space, and 3 bedroom dwellings are required to provide 2 no. off-street parking spaces as set out within appendix 3 of the Local Plan. Whilst the Council's parking standards are set to a maximum, these standards are expected to be met unless it can be shown there would be no adverse impact on the area in terms of street-scene or on-street parking. This is reiterated in the parking standards set out in the London Plan which specifies that in outer London areas with low PTAL, borough should consider higher levels of provisions, especially to address overspill parking pressures.*

The property has a PTAL score of 2 which is considered low and although it is stated within the submission documents that the site is in close proximity to a PTAL rating of 3, this is across the railway line and cannot be considered to be relevant, particularly for those with disabilities, such as mobility issues. Based on the Council's parking standards, 8 on-site car parking spaces would be required as part of the proposed development.

The submission documents notes that 2 parking spaces are proposed as such there would be parking shortfall of 6 below Council's standards. Any subsequent application would need to clarify which dwellings these parking spaces would be allocated. Whilst the properties would be in situated in Community Parking Zone S, given the limited restricted hours, a parking stress survey would need to be submitted in accordance with the Council's parking survey methodologies (in lie with Lambeth Methodology) in order to justify this shortfall. Given the nature of use of the existing site as overspill parking for users of St Margarets Business Park, to ensure the proposal does not result in unacceptable overspill onto surrounding roads, it will be expected that the applicant agrees to the removal of legibility of all users of St Margarets Business Park to apply for business and visitor parking permits.

To summarise, it will be necessary to remove the legibility of all future occupants as well as existing business occupants at St Margarets Business Park from applying for residents and business/visitor parking permits and this will be secured through a legal agreement.

It should be noted that any excavation adjacent to the highway would also require a licence from the Local Highway Authority. Offsite highways layout drawings will also be required and should show the context of the street scene. Off-street parking areas and landscaping should be SUDS compliant or entirely permeable, no water should be discharged across the public highway and levels will be required to demonstrate this.

All proposed alterations to the public footpath/highway will be at cost to the application.

### Construction

A Construction Method Statement will need to be submitted under any future application. This will need to address the impact on neighbouring properties including noise and disturbance, harm to any trees and their properties, and access to the site for construction vehicles, along with construction times.

You should be aware that construction traffic has a disproportionate impact on a street, and you are therefore advised to carry out meaningful consultation with neighbours on the CMS proposals.



### Cycle parking

Policy LP 44 of the Local Plan seeks the provision of appropriate cycle access whilst Policy LP 45 of the Local Plan advocates that development proposals should make for the provision of sufficient and secure cycle parking facilities.

8 cycle parking spaces are proposed for the development in accordance with Council policies. However, these have not been shown any drawings, and will need to be located in a secure area which is easily accessible. Cycle parking near to space 2 at the rear is considered to be too far from the properties themselves and appears unrelated. It is recommended that to preserve the visual amenity of the street scene, cycle parking is sited in the rear garden area.

### Refuse and waste

Policy LP24 of the Local Plan, the Council's Residential Development Standards SPD and the Council's Refuse and Recycling Storage SPD require that secure storage be provided on-site for refuse and recycling bins. Details of refuse storage for the new development will be required under any future planning application submitted to the Council. Specific details are typically conditioned in order to safeguard the appearance of the surrounding locality and residential amenity of neighbouring occupiers and to ensure compliance with Policy LP24 and the Refuse and Recycling Storage Requirements SPD. As above, refuse stores will need to be sited away from the front elevation to preserve visual amenity of the locality.

### **Residential Amenity of Neighbouring Properties**

*Policy LP8 state in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.*

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

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

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

The main properties to consider in relation to this proposal are 2 Godstone Road to the west, 98 and 99 Winchester Road to the east, and 96 Winchester Road and 1 Godstone Road to the north.

The proposal would be separated by approximately 2.5m from the dwelling at No.2 Godstone Road. Given the proximity of this dwelling to the proposed development, any subsequent application would need to be assessed in terms of its impact on sunlight/daylight access to



this property, as well as general outlook and visual intrusion. The 25 and 45 BRE tests would need to be applied from adjacent windows where relevant. Any side facing windows facing this property would need to be obscure glazed and non-openable.

Policy LP8 of the Local Plan advises that a minimum distance of 20m between habitable rooms within separate developments should be achieved in order to maintain privacy, or 13.5m for non-habitable rooms. The proposed development will need to be assessed in terms of properties to the east and north of the site.

In light of the above, further details of neighbour amenity are recommended to be submitted under any subsequent application. This would also be subject to a site visit by the delegated officer.

### **Affordable Housing**

*Local Plan Policy LP36 states some form of affordable housing contribution will be expected on all new housing sites. The Council will seek the maximum reasonable amount of affordable housing when negotiating on private residential schemes, further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 16% affordable housing, given the proposal is for four units created predominantly by conversion.*

*The Council has considered the Secretary of State's Written Ministerial Statement of 28 November 2014 (and any future reinstatement of Planning Policy Guidance in this respect) in light of the Court of Appeal's judgement of 11 May 2016. The Council contend that its local evidence of affordable housing need remains substantial and small sites make a significant contribution to housing supply and therefore need to contribute to affordable housing provision through continued implementation of Policy LP36.*

*The recently published Inspector's report on the Examination of the Richmond upon Thames Local Plan has been published which supports the Local Authority's approach to securing affordable housing. The Inspector stated that while being mindful of the weight to be afforded to national policy, the evidenced local circumstances of the Borough exceptionally warrant the content of LP36 in this regard, with the Inspector concluding that, 'Overall, the policy is justified adequately'.*

*The Council will continue to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to the strategic borough-wide target and the individual circumstances of the site, in accordance with LP36 as adopted 3rd July 2018.*

Policy LP36 sets out the framework which requires contributions to affordable housing from all small sites. As set out in the Affordable Housing SPD "The affordable housing provision (on-site or off-site) or any financial contribution should be calculated in relation to gross rather than net development i.e. it should be based on the total number of units proposed in the final development."

Policy LP 36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 20% affordable housing, given the proposal creates four new units.



The onus is on the applicant to submit the proforma at Annex A to the SPD, along with any supporting information with an application. There is a step by step guide to filling this out at Annex E to the Affordable Housing SPD. The affordable housing contribution would need to be assessed at the time of a future planning application, and would need to be secured via a s106 legal agreement.

In accordance with the affordable housing policy, the Council will consider reducing planning obligations if fully justified through financial viability evidence at cost to the applicant, so that the impact of the policy does not restrict future housing delivery on small sites.

### **Flood Risk & Sustainable Drainage**

Policy LP 21 of the Local Plan advocates that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The car park site is located within the Flood Zone 2, which indicates a moderate probability of flooding. A detailed flood report commensurate to the scale of the development will be required to justify the location and include any mitigation which may be required.

### **Land contamination**

*Policy LP10 notes that the Council promotes, where necessary, the remediation of contaminated land where development comes forward. Potential contamination risks will need to be properly considered and adequately mitigated before development proceeds.*

Council's Environmental Health Officer reviewed the application and advised that Council records indicate that the site and surrounding area has been subject to former potentially contaminative land uses. It is therefore recommended that a contamination report is submitted under any future application. Should the application be considered acceptable, a condition requiring the remediation of the land may be required.

### **Ecology and trees**

*Policy LP15 Biodiversity states that the Council will protect and enhance the Borough's biodiversity, and in particular the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. Council will resist the loss of trees which are of value and encourage new high-quality landscaping and planting which reflects the surrounding environment.*

*Policy LP16 states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. To ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals, will resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees.*

A Tree Quality Survey Report by Tyler Grange was submitted with the proposal documents, which the Council largely agrees with in terms of tree categorisation. Although the site largely comprises of hardstanding for vehicle parking, trees on this site (Lime, Cherry, Hornbeam and Ash) are considered to have collective merit and provide important green softening and amenity to this small industrial and residential area.

The trees are considered under threat from the potential development and satisfactory on-site and off-site replacement tree planting will be expected. Future schemes will need to consider all on-site tree planting and soft landscaping as part of the design development and all on-site trees would need sufficient space to mature in perpetuity.

The proposed development would also be located in close proximity to street trees. Excavations are likely to be required in close proximity of these trees, along with their root systems. Details of tree protection measures during construction will need to be submitted via an arboricultural report under any subsequent application. In addition, to preserve the visual amenities of the site and its surroundings, a detailed landscape plan is recommended to be submitted with the application which provides details of the hard and soft landscaping proposed throughout the site.

A s106 agreement will be required to secure all necessary off-site tree planting along Godstone Road as mitigation for any trees that cannot be accommodated on-site.

Future schemes will also be expected to incorporate ecological enhancement measures to satisfy Policy LP15.

### **Conclusion**

The following details/amendments are will be necessary to be submitted as part of any future application:

- Justification for loss of existing industrial car park
- Character analysis of street scene
- Re-designing the roof (mansard style will not be acceptable)
- Provide a thorough assessment of the neighbour amenity (ie. sunlight, outlook etc)
- Detailed landscape plan with on-site replacement tree planting
- Arboricultural report
- Flood risk assessment
- Assessment of affordable housing contribution under proforma at Annex A to the SPD, along with any supporting information.
- Sustainability report
- Construction management plan
- Sustainable Construction Checklist
- Transport statement/parking stress survey
- Refuse and waste management assessment
- Details of cycle storage
- Land contamination report

Please note that any advice given by Council officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to future planning



consents. Any views or opinions expressed are given in good faith and to the best of ability without prejudice to formal consideration of any planning application, which was subject to public consultation and ultimately decided by the Council. You should therefore be aware that officers cannot give guarantees about the final form or decision that will be made on your planning or related applications.

Although the advice note will be brought to the attention of the Planning Committee or an officer acting under delegated powers, it cannot be guaranteed that it will be followed in the determination of future related planning applications and in any event, circumstances may change or come to light that could alter the position. It should be noted that if there has been a material change in circumstances or new information has come to light after the date of the advice being issued then less weight may be given to the content of the Council's pre-application advice of schemes.

Nevertheless, I hope that the above comments are viewed as constructive and that the pre-application process has been of assistance when submitting any future application (You are also advised to refer to the local and national validation checklist on the Council's website).

Regards,



**Chris Tankard**

**Area Team Manager - Development Management (Richmond North)**

for

# Appendix 2: Amyand Park Road Conservation Area Map



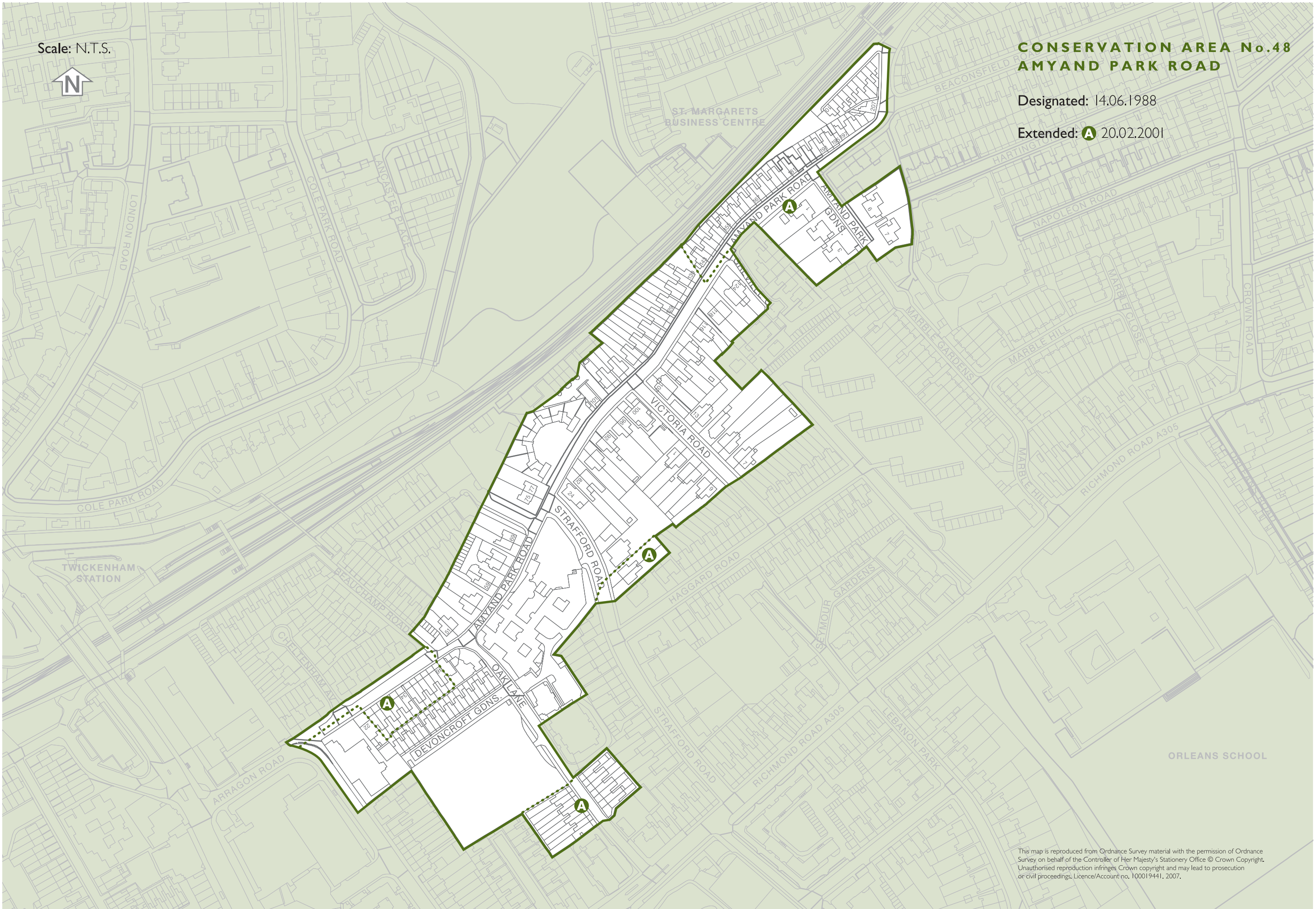
Scale: N.T.S.



# CONSERVATION AREA No.48 AMYAND PARK ROAD

Designated: 14.06.1988

Extended: **A** 20.02.2001



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# Appendix 3: Crown Road Conservation Area Map

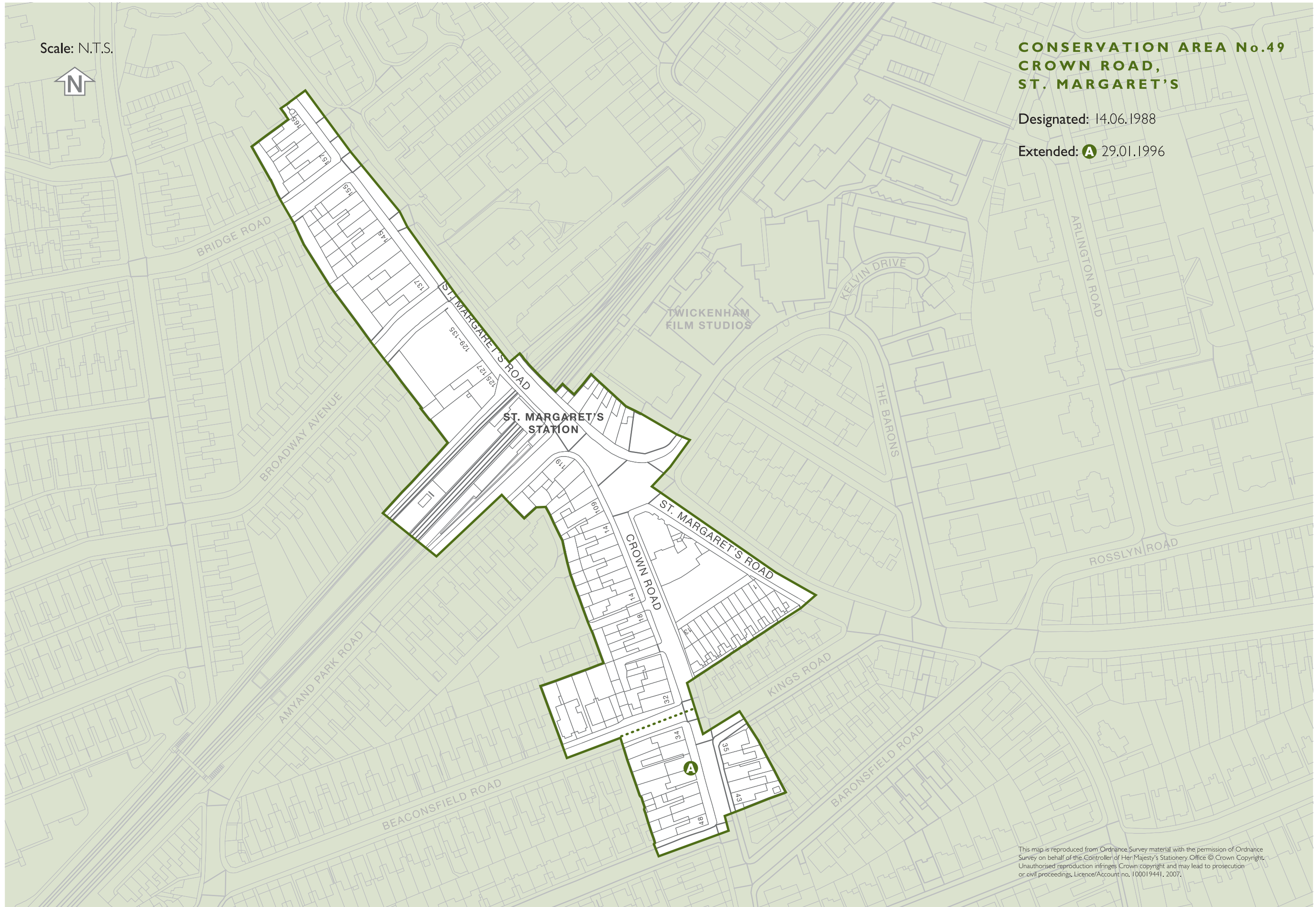
Scale: N.T.S.



**CONSERVATION AREA No.49  
CROWN ROAD,  
ST. MARGARET'S**

Designated: 14.06.1988

Extended: **A** 29.01.1996



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