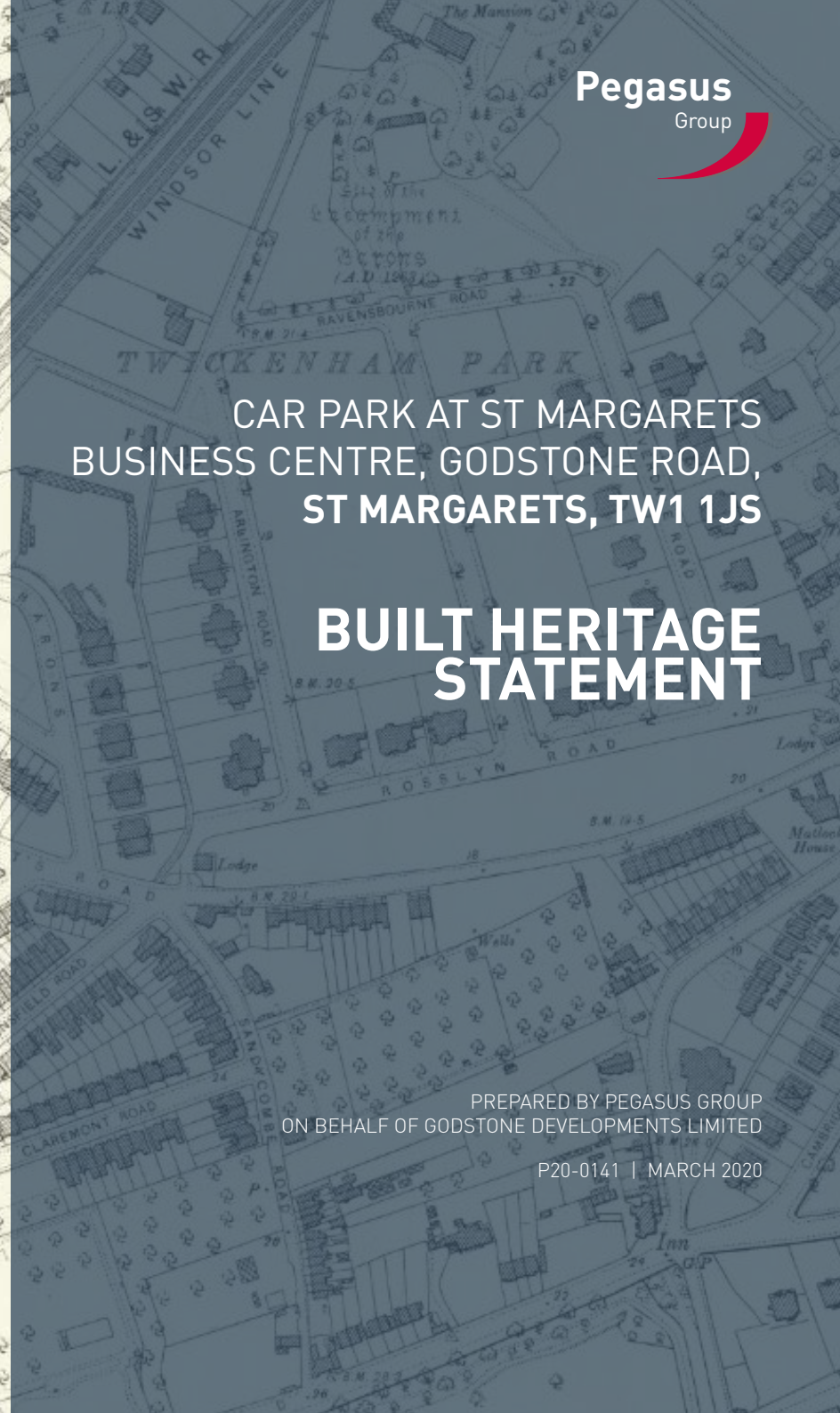


CAR PARK AT ST MARGARETS
BUSINESS CENTRE, GODSTONE ROAD,
ST MARGARETS, TW1 1JS

BUILT HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF GODSTONE DEVELOPMENTS LIMITED

P20-0141 | MARCH 2020





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Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | GL7 1RT
T 01285 641717 | E Cirencester@pegasusgroup.co.uk | W www.pegasusgroup.co.uk

Birmingham | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

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

Pegasus Group

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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 3 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 significance of the Conservation Areas through setting.
- 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 194 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

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

- 1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the [historic environment, following paragraphs 199 to 203 of the 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 194 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance.*"³

¹ Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, July 2021).

² MHCLG, *NPPF*, paragraph 194.

³ MHCLG, *NPPF*, paragraph 194.

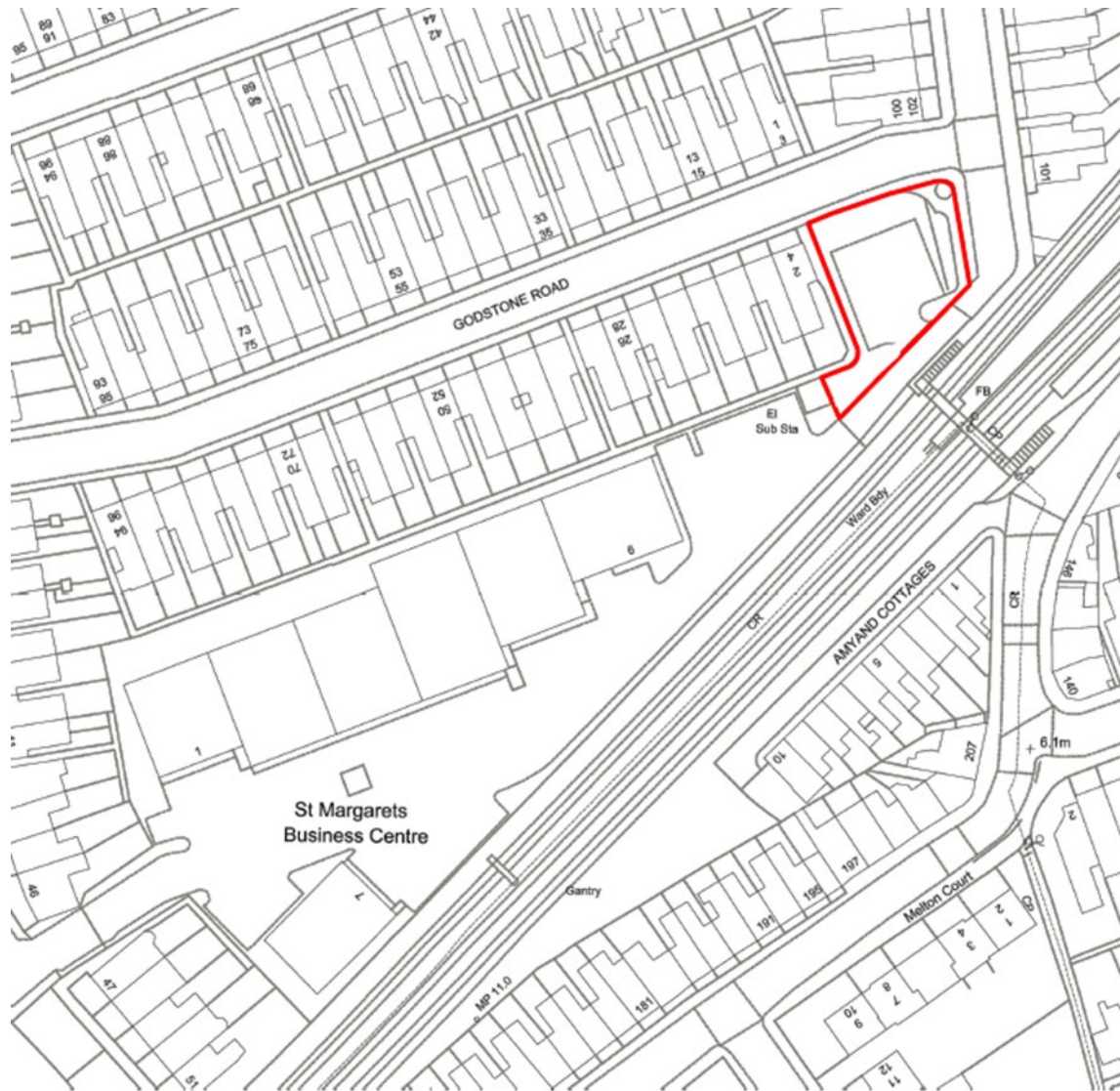


Plate 1: Site Location Plan.

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 19th 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.

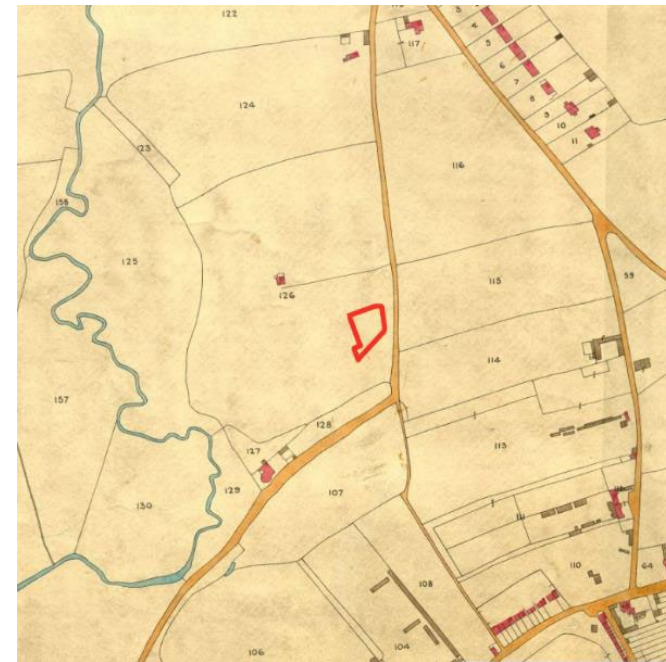


Plate 6: 1841 Tithe Map.

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 within which the site is located (Plate 7). Towards the top of the map extract, the first examples 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 constructed to the north of the site, and the west of Turks Road (Plate 8). Terraced housing has also been developed 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 20th 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 early 90s, the works on the site and the land adjacent to the railway were demolished, and a Business Centre was constructed (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 show a previous application related to the site in the last 25 years, as follows:

20/2664/FUL | Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees). | Appeal dismissed | 22nd December 2020.

2.10 The Council refused this application for the following reasons:

- **Character & Design;**
- **Parking/Highways;**
- **Loss of ancillary industrial/employment;**
- **Loss of trees/biodiversity; and**
- **Affordable Housing.**

2.11 However, the impact on any heritage assets, notably the Amyand Park Road Conservation Area and the Crown Road Conservation Area, was not raised as a reason for refusal. The objections instead related to the design of the proposals, specifically the annexes to the rear. The Officer's Delegated Report which considered the proposals stated:

"However, the two storey rear annexes to the proposed dwellings are considered excessively bulky

and prominent in this location. Their visual massing, as part of the overall development, is not sufficiently broken down by the proposed design which does not allow them to be seen in public views as 'pairs of annexes'. The lack of proper physical gaps between the annexes at first floor level as can be observed elsewhere in this neighbourhood results in their visual massing coalescing and this is considered to give rise to an awkward appearance which is both prominent, incongruous and out of keeping with the local context and Winchester Road street scene, including elevated views from the footbridge."

2.12 It should be noted that the officer was satisfied with the form of the remainder of the proposals, i.e. as a continuation of a terrace, as well as the materials and traditional style.

2.13 Copies of the Decision Notice and Delegated Report can be found in Appendix 1.

APPENDIX 1: REFUSED SCHEME DECISION NOTICE AND DELEGATED REPORT (20/2664/FUL)

2.14 The Council's Refusal was appealed and later dismissed by the Inspector, who stated with regards to the design that:

"The appeal site lies at the end of a linear arrangement of semi-detached properties, which are a defining characteristic of the local area. The area is characterised by the appearance of these semi-detached units along roads, as well as to the rear of properties well-defined two-storey projecting elements which are set in from the gable ends of pairs of properties. This arrangement is clearly visible from vantage points in the surrounding area, including where perpendicular terraces meet. However, it was most apparent from elevated views

afforded from the bridge across the adjacent railway line.

In contrast to this, the rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings. Consequently, the rear of the proposed development would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that would fail to integrate appropriately with the surrounding development.

The proposed building would be viewed as an overly bulky feature within the context of the surrounding townscape, and this would be appreciable from the adjacent road and would be a particularly unsympathetic feature when viewed from the elevated railway bridge. Thus, the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity."

2.15 A copy of the Appeal Decision can be found in Appendix 2.

**APPENDIX 2: 2021 APPEAL DECISION
(APP/L5810/W/21/3268141)**

3. Proposed Development

- 3.1 The proposals seek Planning Permission for the erection of 3 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).
- 3.2 The proposals are detailed on the plans prepared by Wimshurst Pelleriti.
- 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 14th 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."*⁴

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

⁴ MHCLG, *NPPF*, pp. 71-72.

⁵ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd 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*.⁶ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁷ and the online Planning Practice Guidance on the Historic Environment⁸ (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,

⁶ 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.

⁷ MHCLG, *NPPF*, p. 71.

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

construction, craftsmanship and decoration of 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."⁹

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*,¹⁰ 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>.

⁹ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

¹⁰ 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."¹¹

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."¹²

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*¹³ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".¹⁴

¹¹ MHCLG, *NPPF*, p. 72.

¹² 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

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

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

(referring to an earlier Court of Appeal judgement)¹⁵:

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 200 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 68 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 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”.¹⁶

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

¹⁶ 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”;¹⁷ 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.”¹⁸

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

¹⁸ 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’.¹⁹

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*”.²⁰ 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

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

²⁰ 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...”²¹

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”.²²

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

²¹ Historic England, GPA 3, p. 4.

²² Historic England, GPA 3., p. 8.

to be refused.²³

Benefits

4.33 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.

4.34 As detailed further in Section 6, the NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

4.35 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 and 202.

4.36 The PPG provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always

²³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.*²⁴

4.37 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

²⁴ MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

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*,²⁵ 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 Unlike Section 66(1), 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, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.²⁶

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

5.6 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. 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

²⁵ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

²⁶ 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. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- 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.*²⁷

5.10 However, it is important to note that footnote 7 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 180) 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 68); and areas at risk of flooding or coastal change."²⁸ (our emphasis)

5.11 The NPPF continues to recognise that the planning system is

²⁷ MHCLG, *NPPF*, para. 11.

²⁸ MHCLG, *NPPF*, para. 11, fn.7.

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)."*²⁹

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."³⁰ (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

²⁹ MHCLG, *NPPF*, p. 67.

³⁰ MHCLG, *NPPF*, p. 66.

*Outstanding Universal Value forms part of its significance.*³¹

5.15 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 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."*³²

5.16 Paragraph 197 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."*³³

5.17 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 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."*³⁴

"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."*³⁵

³¹ MHCLG, *NPPF*, pp. 71-72.

³² MHCLG, *NPPF*, para. 195.

³³ MHCLG, *NPPF*, para. 197.

³⁴ MHCLG, *NPPF*, para. 199.

³⁵ MHCLG, *NPPF*, para. 200.

5.18 Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 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 201 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."³⁶*

³⁶ MHCLG, *NPPF*, para. 201.

³⁷ MHCLG, *NPPF*, para. 202.

5.20 Paragraph 202 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."³⁷

5.21 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 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."³⁸

5.22 Paragraph 207 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"*³⁹ 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 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its

³⁸ MHCLG, *NPPF*, para. 206.

³⁹ MHCLG, *NPPF*, para. 207.

contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁴⁰ (our emphasis)

- 5.23 With regards to non-designated heritage assets, paragraph 203 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.”⁴¹

- 5.24 Footnote 68 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

⁴⁰ Ibid.

⁴¹ MHCLG, *NPPF*, para. 203.

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.”⁴²*
- 5.29 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a

⁴² MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

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."*⁴³ (our emphasis)

Local Planning Policy

5.30 Planning applications within the London Borough of Richmond upon Thames are currently considered in accordance with The London Plan (adopted March 2021) and The London Borough of Richmond Local Plan (adopted 3 March 2020).

5.31 Policy LP1 of the Richmond Local Plan 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;*

⁴³ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

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;

5.34 Policy HC1 of The London Plan concerns heritage conservation and growth and states:

A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.

B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:

1) setting out a clear vision that recognises and embeds the role of heritage in place-making

2) utilising the heritage significance of a site or area in the planning and design process

3) integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place

4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.

C. Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

D. Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

E. Where heritage assets have been identified as being At Risk, boroughs should identify specific

opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and reuse.

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

5.35 With regard to Local Plan policies, paragraph 219 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 closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."⁴⁴

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 202 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 203) 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.

⁴⁴ MHCLG, *NPPF*, p. 219.

6. The Historic Environment

6.1 The site is located 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 aforementioned Conservation Areas is shown 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."*⁴⁵

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)."*⁴⁶

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 this.

6.6 It is widely accepted (paragraph 207 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

⁴⁵ NPPF Annex 2: Glossary,

⁴⁶ 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.

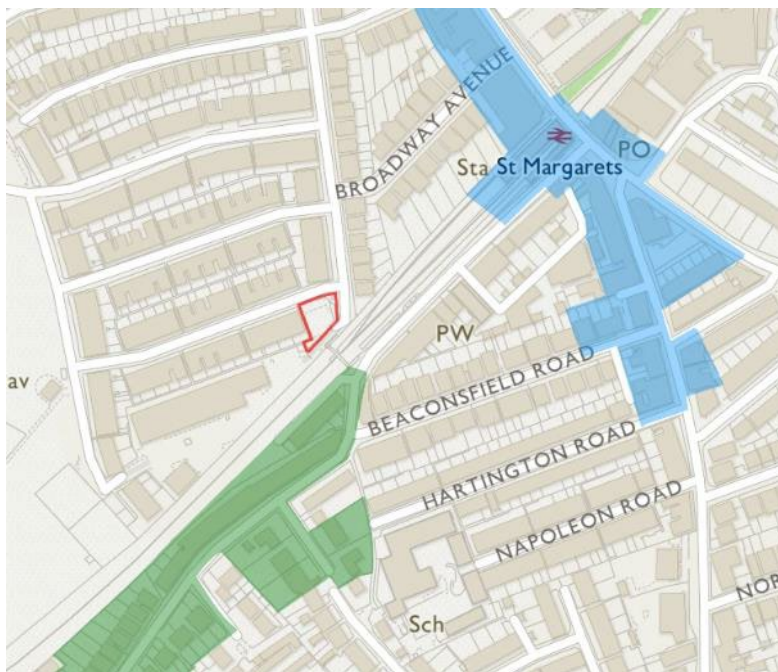


Plate 13: Site (red), Amyand Park Road Conservation Area (green) and Crown Road Conservation Area (blue).

Amyand Park Road Conservation Area

- 6.7 The Amyand Park Road Conservation Area was designated on 14th June 1988 and its boundaries later extended on 20th 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. A plan detailing the full Conservation

Area boundary can be found in Appendix 3.

APPENDIX 3: 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 18th 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 building identified as 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 the use of 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 to significance

6.15 The site is only visible at the northern-most end of the Conservation Area near the pedestrian crossing over the railway, which itself 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 20th 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 within 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 Overall, 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 14th June 1988 and extended on 29th 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. A plan showing 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 of the Conservation Area 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 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:

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

Contribution of the Site to significance

6.22 The Application Site is not visible from any location 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 201 and 202 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 2013⁴⁷ 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

⁴⁷ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

Conservation Areas themselves cover a large area and include 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, it is considered proportionate (noting the requirements of paragraph 194 of the NPPF) that the visual impact of the proposals on only the Amyand Park Road Conservation Area will be considered in detail within this Report.

Position/Layout

- 7.8 The proposals have been designed as a small terrace that is oriented to Winchester Road. This traditional, orthogonal layout 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 front and rear, as seen in the surrounding townscape. This will be in keeping with the immediate area.

Height

- 7.10 Similarly, the overall ridge height of the proposed dwellings has been designed to align with the neighbouring properties of Winchester Road. The proposed elevations depict the proposals in relation to various extracts of their built form and show that, the proposals are in keeping with the existing townscape and do not dwarf any of the surrounding buildings. The hipped roof further limits its visual impact on the street and perceived mass.

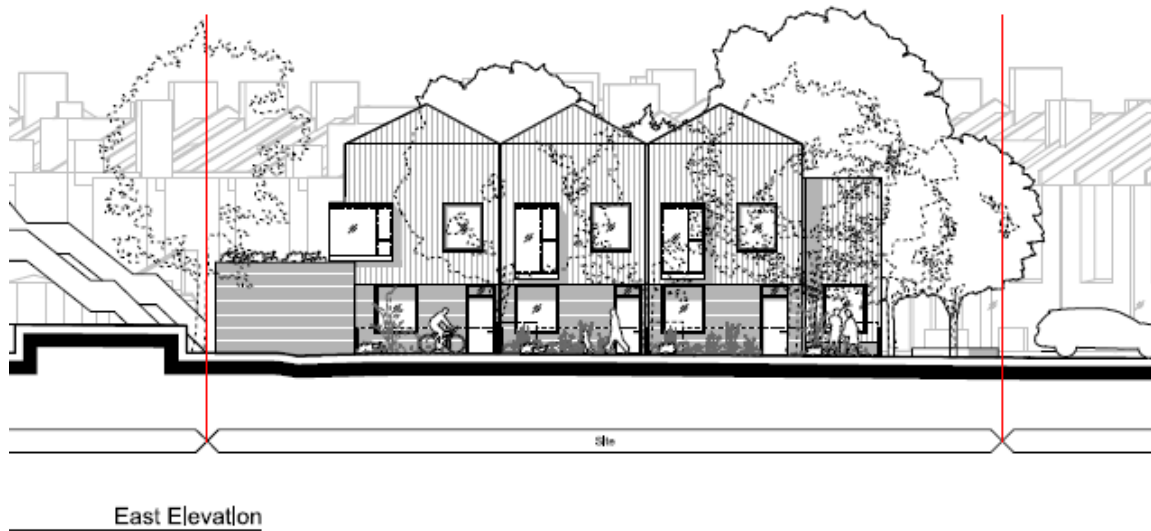


Plate 23: Previously refused scheme above and the currently proposed scheme below.

Style and Materials

- 7.11 Each dwelling will have a brick ground floor level and front garden walls to reflect the existing traditional materiality of the houses in the surrounding area. These will be more visible on approach from Winchester and Godstone Roads.
- 7.12 However, the wooded nature of the site has inspired an alternative style and first floor level material compared to the built form within the surrounding area. The first floor and loft spaces will consist of timber cladding which will be offset from the ground floor brick base. This will create a front 'porch' over the entrances to the houses, providing a contemporary interpretation of the porches of the surrounding houses.
- 7.13 The hipped roof will reflect the surrounding aesthetic and will reduce the overall massing of the loft space, particularly when viewed from Winchester Road. Roof lights will also be located on the southern side of the roof to provide natural light for the internal loft spaces.
- 7.14 The houses will have a mixture of oriel windows and window flush with the façade all in a contemporary form and aesthetic. This will create opportunities to maximise the aspect and daylighting, whilst adding to the modern architectural expression.

Summary of Design

- 7.15 Overall, the proposals have been designed to create modern Terrace Houses which are respectful of the surrounding context,

though are not pastiche to the local Victorian architectural style.

View from Amyand Cottages and Amyand Park Road

- 7.16 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 in massing, but provides interest and variety in the streetscene as an honest, contemporary development. The retention of existing trees on the site will reinforce the appreciation that is made of the dense, suburban setting of the Amyand Park Road Conservation Area. 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

- 7.17 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 three units in the form of modern 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
- 8.3 The previously dismissed scheme did not have any objections in relation to the surrounding heritage assets; however, it did discuss the character and appearance of the area generally and how the previous proposals were not suitable in this context. The current proposals have reduced the massing to address these previous concerns. The proposals have been designed to create a modern, sustainable and ecological scheme, whilst respecting the context of the surrounding area. Although elements of the proposed designs have a more contemporary appearance than the surrounding built form and in comparison with the previously refused scheme, they will provide interest and variety to the streetscene and sit amongst retained trees.
- 8.4 Therefore, the proposals will not result in any negative impacts to 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 nation planning policy.

Appendix 1: Refused Scheme Decision Notice And Delegated Report (20/2664/FUL)

Henry Courtier
Pegasus Group
10 Albemarle Street
London
W1S 4HH

Letter Printed 22 December 2020

FOR DECISION DATED
22 December 2020

Dear Sir/Madam

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

Application: 20/2664/FUL
Your ref: P20-0414 St Margarets Car Par...
Our ref: DC/TFA/20/2664/FUL
Applicant: c/o Agent
Agent: Henry Courtier

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **25 September 2020** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Car Park At St Margarets Business Centre Godstone Road Twickenham

for

Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

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

Yours faithfully



Robert Angus

Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 20/2664/FUL

APPLICANT NAME

c/o Agent
C/o Agent

AGENT NAME

Henry Courtier
10 Albemarle Street
London
W1S 4HH

SITE

Car Park At St Margarets Business Centre Godstone Road Twickenham

PROPOSAL

Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0092367	Character & Design
U0092368	Parking/Highways
U0092371	Loss of ancillary industrial/employment
U0092370	Loss of trees/biodiversity
U0092369	Affordable housing

INFORMATIVES

U0047852	Decision drawings
U0047851	NPPF REFUSAL- Para. 38-42

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0092367 Character & Design

The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. The proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).

U0092368 Parking/Highways

In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4 no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore contrary, in particular, to policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).

U0092371 Loss of ancillary industrial/employment

The proposal would result in the complete loss of existing ancillary industrial land and without adequate replacement land or a marketing exercise in accordance with Appendix 5 of the Local Plan to demonstrate there is no longer any demand for such land, this would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and Economy Study (2015), and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012).

U0092370 Loss of trees/biodiversity

Due to the loss of trees with special amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment and is thereby detrimental to the street scenes. This is contrary to, in particular, Policies LP1, LP15 and LP16 of the Local Plan (2018).

U0092369 Affordable housing

The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to Policy LP36 of the Local Plan (2018) and adopted Supplementary Planning Guidance 'Affordable Housing'.

DETAILED INFORMATIVES

U0047852 Decision drawings

For the avoidance of doubt the Drawing(s) No(s) and Detail(s) to which this decision refers are as follows:-

P-001C, P-002A, P-003A, P-004A; received 25 September 2020.

U0047851 NPPF REFUSAL- Para. 38-42

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

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

In this instance:

- o The applicants sought formal pre-application advice, however, this was not followed and the scheme remained contrary to policy and guidance, and therefore refused without delay.

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
20/2664/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

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

Type of appeal:

Planning Application

Appeal time:

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

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

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

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

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

The appeal process:

Appeals must be made

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

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

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

Written procedure:

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

Hearing procedure:

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

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

Inquiry procedure:

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

Making your views known on someone else's appeal:

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

Costs:

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

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

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

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

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

Application reference: 20/2664/FUL ST MARGARETS, NORTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
25.09.2020	25.09.2020	20.11.2020	20.11.2020

Site:

Car Park At St Margarets Business Centre, Godstone Road, Twickenham,

Proposal:

Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

c/o Agent
C/o Agent

AGENT NAME

Henry Courtier
10 Albemarle Street
London
W1S 4HH

DC Site Notice: printed on 01.10.2020 and posted on 09.10.2020 and due to expire on 30.10.2020

Consultations:

Internal/External:

Consultee

LBRuT Trees Preservation Officer (North)
LBRUT Transport
21D POL
LBRuT Ecology
LBRuT Non-Commercial Environmental Health Noise Issues
LBRuT Trees Preservation Officer (North)
LBRUT Environmental Health Contaminated Land

Expiry Date

09.12.2020
15.10.2020
22.10.2020
15.10.2020
15.10.2020
15.10.2020
15.10.2020

Neighbours:

80 Godstone Road, Twickenham, TW1 1JX -
82 Winchester Road, Twickenham, TW1 1LB -
71 Winchester Road, Twickenham, TW1 1LE -
72 Winchester Road, Twickenham, TW1 1LB -
6 Broadway Avenue, Twickenham, TW1 1RH -
10 Godstone Road, Twickenham, TW1 1JX -
23 Sidney Road, Twickenham, TW1 1JP -
11 Sidney Road, Twickenham, TW1 1JP -
36 Godstone Road, Twickenham, TW1 1JX -
39 Godstone Road, Twickenham, TW1 1JY -
57 Godstone Road, Twickenham, TW1 1JY -
16 Northcote Road, Twickenham, TW1 1PA -
3 Westmorland Close, Twickenham, TW1 1RR -
65 Godstone Road, Twickenham, TW1 1JY -
161 Amyand Park Road, Twickenham, TW1 3HN -
61 Winchester Road, Twickenham, TW1 1LE -
46 Heathfield North, Twickenham, TW2 7QW -
87 LINKFIELD ROAD, ISLEWORTH, TW7 6QW -
"-
2 Amyand Cottages, Amyand Park Road, Twickenham, TW1 3JA -

38 Moor Mead Road, Twickenham, TW1 1JS -
 36 Northcote Road, Twickenham, TW1 1PA -
 52 The Grove, St Margarets Road, Twickenham, TW1 1RB -
 73 Godstone Road, Twickenham, TW1 1JY -
 81 Winchester Road, Twickenham, Tw11la -
 1 Amyand Cottages, Amyand Park Road, Twickenham, TW1 3JA -
 160 Amyand Park Road, Twickenham, TW1 3HY -
 77 Godstone Road, Twickenham, TW1 1JY -
 37 Teddington park road, Teddington, Tw11 8NB -
 79 Godstone Road, Twickenham, TW1 1JY -
 Flat 11,6 Old Lodge Place, Twickenham, TW1 1RQ -
 45 Winchester Road, Twickenham, TW1 1LE -
 5 Sidney Road, Twickenham, TW1 1JP -
 93 Winchester Road, Twickenham, TW1 1LA -
 2 Broadway Avenue, Twickenham, TW1 1RH -
 18A Sidney Road, Twickenham, TW1 1JR -
 Maisonette First And Second Floor, 118 St Margarets Road, Twickenham, TW1 2AA -
 18 Godstone Road, Twickenham, TW1 1JX -
 3 Beaconsfield Road, Twickenham, TW1 3HX -
 13 Broadway Avenue, Twickenham, TW1 1RH -
 89 Winchester Road, Twickenham, TW1 1LA -
 82 Kenley Road, Twickenham, TW1 1JU -
 7 Greville Close, Twickenham, TW1 3HR -
 16 Godstone Road, Twickenham, TW1 1JX -
 3 Kenley Road, Twickenham, TW1 1JT -
 84 Godstone Road, Twickenham, TW1 1JX -
 3 Sidney Road, Twickenham, TW1 1JP -
 14 Bridge Road, Twickenham, TW1 1RE -
 34 Moor Mead Road, Twickenham, TW1 1JS -
 23 Broadway Avenue, Twickenham, TW1 1RH -
 24 Beaconsfield Road, St Margarets, Twickenham, TW1 3HU -
 84 Winchester Road, Twickenham, TW1 1LB -
 52 Godstone Road, Twickenham, TW1 1JX -
 96 St Margarets Grove, Twickenham, TW1 1JG -
 55 Beaconsfield Road, Twickenham, TW1 3HX -
 14 Broadway Avenue, Twickenham, TW1 1RH -
 4 Beresford Avenue, Twickenham, TW1 2PY -
 4 Bridge Road, Twickenham, TW1 1RE -
 5 Cole Park View, Twickenham, TW1 1JW -
 25 Godstone Road, Twickenham, TW1 1JY -
 7 Bridge Road, Twickenham, TW1 1RE -
 57 Winchester Road, Twickenham, TW1 1LE -
 15 Godstone Road, Twickenham, TW1 1JY -
 7 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 6 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 5 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 4 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 3 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 2 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 1 Drummond Place, Twickenham, TW1 1JN, - 01.10.2020
 95 Winchester Road, Twickenham, TW1 1LA, -
 101 Winchester Road, Twickenham, TW1 1LA, -
 98 Winchester Road, Twickenham, TW1 1LB, -
 96 Winchester Road, Twickenham, TW1 1LB, - 01.10.2020
 5 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020
 3 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020
 102 Winchester Road, Twickenham, TW1 1LB, -
 100 Winchester Road, Twickenham, TW1 1LB, -
 99 Winchester Road, Twickenham, TW1 1LA, -
 97 Winchester Road, Twickenham, TW1 1LA, -
 15 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020
 13 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020
 11 Godstone Road, Twickenham, TW1 1JY, -
 9 Godstone Road, Twickenham, TW1 1JY, -
 8 Godstone Road, Twickenham, TW1 1JX, -
 7 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020

6 Godstone Road, Twickenham, TW1 1JX, - 01.10.2020
 4 Godstone Road, Twickenham, TW1 1JX, -
 2 Godstone Road, Twickenham, TW1 1JX, -
 1 Godstone Road, Twickenham, TW1 1JY, - 01.10.2020
 139 Richmond Road, Twickenham, TW1 3AT -
 21 Marble Hill Close, Twickenham, TW1 3AY -
 65 Winchester Road, Twickenham, TW1 1LE -
 26 Broadway Avenue, Twickenham, TW1 1RH -
 76 Winchester Road, Twickenham, TW1 1LB -
 43 Moormead road, St Margarets, Tw11js -
 70 Craneford Way, Twickenham, TW2 7SQ -
 Community Centre, 13 Rosslyn Road, Twickenham, TW1 2AR -
 30 Sidney Road, Twickenham, TW1 1JR -
 32A Sidney Road, Twickenham, TW1 1JR -
 27 Moor Mead Road, Twickenham, TW1 1JS -
 85 Winchester Road, Twickenham, TW1 1LA -
 164B Amyand Park Road, Twickenham, TW1 3HY -
 64 Kenley Road, Twickenham, TW1 1JU -
 Flat 12, Caradon Court, 1A Ellesmere Road, Twickenham, TW1 2DN -

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: PCO Application: 20/2664/FUL
 Date: Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

Development Management

Status: INV Application: 20/3063/OUT
 Date: Outline application for single structure, suitable for internal subdivision into up to 3nr independent commercial (Class E(g) units, for storage and workshop space, with offices at first floor/mezzanine level, to provide employment space. Access, layout and scale to be considered. Appearance and Landscaping to form part of the Reserved Matters

Development Management

Status: GTD Application: 86/0689
 Date: 08/08/1986 Release of condition (j) attached to consent 82/457 to allow the use of the two adjacent units by one occupant.

Development Management

Status: REF Application: 86/0843
 Date: 08/08/1986 Use as class 10 warehouse (release of condition 63 attached to consent 82/0457).

Development Management

Status: REF Application: 86/0975
 Date: 22/07/1986 Release of Condition 56 attached to town planning consent no. 82/0457 (Restriction on working hours).

Development Management

Status: PCO Application: 20/2664/FUL
 Date: Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

Enforcement

Opened Date: 02.07.2018 Enforcement Enquiry
 Reference: 86/00025/EN

Enforcement

Opened Date: 05.07.2018 Enforcement Enquiry
 Reference: 93/00027/EN

Enforcement

Opened Date: 05.02.2019 Enforcement Enquiry
 Reference: 19/0064/EN/BCN

20/2664/FUL**Car Park At St Margarets Business Centre, Godstone Road Twickenham**

Site Description

The 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 south-eastern 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.

Relevant Planning HistoryCar park:

- 19/P0286/PREAPP – 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 gardens to the rear.
- 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 scheme for re-development of the site for proposed housing for apartments (Class C3) and office units (Class B1(a)).

Unit 4 St Margarets Business Centre:

- 20/2084/FUL – Change of use from B1C (light industrial) to mixed use B1A/B1C/B8 (light industrial, office and storage and distribution) – Pending consideration.
- 19/2907/FUL – Change of use from light industrial (B1c) to storage and distribution (B8) – Refused 27/11/2019.

Proposal

Erection of 4 no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).

Main Development Plan Policies:

The proposal has been considered having regard to the policies within the National Planning Policy Framework (2018), the London Plan Consolidated with Alterations (2018), London Plan Intend to Publish (2020) and the Council's Local Plan, in particular:

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 Documents/ Guidance:

Design Quality SPD
Planning Obligation Strategy SPD
Residential Development Standards SPD (Incorporating Nationally Described Space Standards)
Refuse and Recycling Requirements (2015)
Transport SPD (2020)

Public and Other Representations

The application was publicised in accordance with the Local Planning Authority's requirements as detailed in the Town and Country Planning (General Management Procedure) (England) Order. A total of 102 third-party representations have been received in objection to the application.

A summary of the following objection comments for the development includes:

- Loss of trees is unacceptable (they have a group TPO which highlights their importance).
- Loss of further trees will contribute to current climate emergency.
- Losing trees will reduce habitat/biodiversity, including for birds and bats.
- Loss of aesthetic value created from trees.
- The trees were a condition of the original planning application for the business park and cannot now be removed.
- Disagreement with the findings of the submitted tree survey.
- Proposal is contrary to policies LP15 and LP16 of the Local Plan.
- A payment toward trees elsewhere does not have the same benefit and value.
- Proposal will lead to further parking stress.
- A s106 agreement is needed to ensure future residents do not have access to parking permits.
- Increased traffic and pollution from the development.
- Reduction in highway and pedestrian safety.
- No construction management plan submitted to deal with construction traffic.
- Concern over refuse for Unit 4.
- Noise and disturbance from traffic generation.
- More residents would put pressure on schools and healthcare in the area.

- Loss of visual amenity.
- Proposal will result in overdevelopment of the site.
- Adverse impact on the street scene and nearby Conservation Area.
- Proposed units are not in keeping with surrounding houses.
- Loss of light/overshadowing impact on neighbouring properties.
- Overlooking/loss of privacy.
- The site should be redeveloped into a green space for locals.
- The Council should take control of the land and give it to local residents who need to use it for parking.
- The proposal is not for social or affordable housing.
- Proposal would have no benefit to the local community.
- Disappointing the proposal is not included in the Locally Important Industrial Land and Business Parks under the Local Plan.
- The existing car park is still needed to support the business park, and the proposal is contrary to Policy LP42 of the Local Plan due to the lack of a two year marketing exercise.

Internal consultations

Policy – Objection due to loss of ancillary industrial land and lack of affordable housing. Comments summarised below.

Ecology – Objection due to loss of important wildlife habitat (trees), comments summarised below.

Trees – Objection due to loss of trees with amenity value and lack of onsite replacements, comments summarised below.

Transport – Objection due to lack of onsite car parking, comments summarised below.

Environmental Health – No objection subject to standard contaminated land condition.

Amendments

Following submission of the application, the applicant provided confirmation that all proposed dwellings will meet M4 (2) accessible and adaptable dwellings. The Design & Access Statement was amended to reference this (at paragraph 5.7.1), along with minor adjustments to the internal configuration and inclusion of dimensions on the floorplans (Dwg No. P-001 Rev D) including door widths, future ground floor shower location if required.

A Biodiversity Net Gain Matrix and Calculations, and a CAVAT assessment were also submitted after discussions with the Council's Ecology and Tree officers.

Professional Comments

The main issues for consideration in the assessment of the development proposals are as follows:

- 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;
- Trees;

- Ecology;
- Air Quality

Principle of Development

Loss of industrial land/employment space

London Plan Policy 4.4: Managing industrial land and premises; and Intend to Publish London Plan Policy E4: Land for industry, logistics and services to support London's economic function; and Policy E7: Industrial intensification, co-location and substitution states that Richmond is one of the 'retain capacity' boroughs in terms of the management of industrial floorspace capacity and there is a presumption against loss of industrial land.

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.

The site of 0.06ha is located at the corner of Drummonds Place and Winchester Road, and is bound by Godstone Road to the north. The land was formerly used as an "overspill" car park associated with the St Margarets Business Centre, which adjoins the site to the south-west. 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 and is ancillary to the use of the business park. Policy LP42 relating to employment sets out how to deal with non-designated existing employment land. Paragraph 10.3.1 sets out that land which is considered to contribute to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land, will also be protected in line with the policy.

The proposal is for 4 x 4-bed, 6 person, open market houses. Policy LP42 states that there is a presumption against the loss of industrial land in all parts of the borough. Loss of industrial space (outside of the locally important industrial land and business parks) will only be permitted where:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial based use in this location and that there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial use completed over a minimum period of two continuous years in accordance with the approach set out in Appendix 5; and then
2. A sequential approach to redevelopment or change of use is applied as follows: a. Redevelopment for office or alternative employment uses. b. Mixed use including other employment generating or community uses, and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.

The term 'industrial land' referred to throughout this policy covers land used for general industry, light industry, warehouses, open storage, self-storage, distribution and logistics and other similar types of employment, as well as any other uses which fall within the B1c, B2 or B8 Use Classes or are considered to be Sui Generis. Land which does not fall within these use classes but is considered to contribute to the reservoir of industrial land in the borough, for example uses which support, contribute to, or could be drawn upon to meet the demand for industrial land, will also be protected in line with the policy. This borough has a very limited supply of industrial land, with only 17.3 hectares of general and light industrial space (B2 and B1(c)), and 8.1 hectares of warehousing and storage (B8) facilities; this is amongst the lowest of all the London boroughs. Any loss of industrial space will only be permitted if the applicant can demonstrate that there is no demand for such space and that there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial or other such employment use completed over a minimum period of two continuous years.

A full and proper marketing exercise for the whole site (in accordance with 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. Given there is no marketing exercise submitted in accordance with the Council's policies, there is an in-principle objection to the application for 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. As such, the Council is satisfied that these units would provide appropriate family-sized accommodation in line with the interests of Policy LP35(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 (m²)

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, 6 person, 3 storey dwellings. The standards set out in the above table set a minimum gross internal floor area of 112sqm this type of dwelling. The proposed dwellings range from 126.6sqm to 167.6sqm and therefore will exceed the relevant standards.

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.

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.

Following submission of the application, the applicant provided confirmation that all proposed dwellings will meet M4 (2) accessible and adaptable dwellings. The Design & Access Statement was amended to reference this (at paragraph 5.7.1), along with minor adjustments to the internal configuration and inclusion of dimensions on the floorplans (Dwg No. P-001 Rev D) including door widths, future ground floor shower location if required.

As such, the proposal accords with Policy LP35 of the Local Plan.

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.

A Noise and Vibration Impact Assessment has been submitted with the application which concludes that the reradiated noise due to the nearby train tracks would not contribute to the overall airborne noise level experienced within the properties, and that the vibration levels from the train activity are below the threshold of human perception. The proposed mitigation includes a glazing specification, which is considered to be 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.

There are no in-principle objections to the continuation of the terrace along Godstone Road. The proposed dwellings will be two storeys in height with accommodation in the roof space, a common feature of the surrounding environment. In terms of design and scale, although the proposal is half a metre taller than the adjoining terrace at No. 2 Godstone Road, the height does relate to elements of surrounding buildings, such as Nos. 1-3 Godstone Road on the opposite side which is the same height. Given this slight variation in height in the surrounding area, it is not considered that the proposed buildings would be out of keeping with the context.

The proposed building features gable ends and rear dormers. The gables are in keeping with the adjoining terraces to the north and east on Winchester Road. In addition, there are a number of dormer extensions in the area, and the proposed dormers are set well within the rear roof space and feature attractive pitched roofs. The double storey front gables with pitched roofs are reflective of a number of properties along both Godstone Road and Winchester Road. The proposal features traditional sash windows with centre bars to the front, side and first floor of the rear elevation, which is considered to appropriately reflect the surrounding context, particularly along Winchester Road.

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. All buildings are predominately clad in brick. The proposal predominately comprises red clay facing brick with timber window joinery, and tile roofing. This is considered to be appropriate to the surrounding context.

The boundary treatment to the front and side of the application site is proposed to be in a low brick wall. There is a mix of treatments in the surrounding context including low picket fences and various forms of brick walls, and the proposal is considered to reinforce the streetscape. High timber fences are proposed to the rear, and although this will be highly visible from Drummonds Place and Winchester Road, it is considered appropriate to provide a sense of privacy to the rear gardens of the proposed units. Parking spaces are limited to 3 spaces to the rear of the site, which is considered an appropriate solution, noting that the proposal replaces an entire car park.

However, the two storey rear annexes to the proposed dwellings are considered excessively bulky and prominent in this location. Their visual massing, as part of the overall development, is not sufficiently broken down by the proposed design which does not allow them to be seen in public views as 'pairs of annexes'. The lack of proper physical gaps between the annexes at first floor level as can be observed elsewhere in this neighbourhood results in their visual massing coalescing and this is considered to give rise to an awkward appearance which is both prominent, incongruous and out of keeping with the local context and Winchester Road street scene, including elevated views from the footbridge.

In light of the above, the proposal is not considered to fully comply with Policy LP1 of the Local Plan and associated SPD guidance. The proposal would also result in the loss of significant amount of trees and vegetation along the boundary of the site which will be discussed under the Ecology and Trees section of the report.

Sustainability

Policy LP22 states that development will be required to conform to the Sustainable Construction

Checklist. The London Plan (5.7) requires that all new development should achieve a reduction in carbon dioxide emission of 35% from on-site renewable energy generation. Development proposals of 1 dwelling unit or more will be required to reduce their total carbon dioxide emissions. Part C of Policy LP22 indicates that the target should be achieved following the Energy Hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

A Sustainable Construction Checklist is submitted with the application and achieves a score of 49.5 which is a 'B' rating which indicates that the proposal helps to significantly improve the Borough's stock of sustainable developments.

An Energy Statement has been submitted demonstrating that the proposal follows the be lean, be clean and be green principles required by Council policies, and would provide a 45% reduction in CO2 emissions. The proposal secures the required 35% reduction beyond Building Regulations requirements. This scheme is therefore compliant with Policy LP22.

Policy LP22 also emphasises that new residential development will be required to incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day. The submitted Sustainability Statement confirms that the proposal would meet this requirement.

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 off-street vehicular parking standards set out Appendix 3 of the Borough's Local Plan state that a development proposal in an area with a PTAL score of 2 must provide two spaces per 4 bed dwelling. 4 parking spaces are proposed and as such there would be parking shortfall of 5 below Council's standards.

Paragraph 11.2.3 of the Borough's Local Plan states that: *Developers may only provide fewer parking spaces, including car free schemes, if they can demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability, amenity, street scene, road safety or emergency access in the surrounding area, as a result of the generation of unacceptable overspill of on-street parking in the vicinity.*

No parking survey has been submitted with the application, and therefore it is unclear as to the

existing parking conditions on surrounding streets. As such, in the absence of a sufficient quality parking survey carried out in accordance with the Council's Parking Survey SPD, the applicant fails to demonstrate that the proposal will not lead to undue parking stress in the surrounding area. It is noted that the Council's Highways officer reviewed the application and raised an objection on these grounds.

Construction

The transport statement sets out (page 24) sets out a very basic construction logistics approach. In order to demonstrate the development may be carried out in a safe manner, the applicant must submit a detailed Construction Management Plan for the project. A suitable condition could be secured as part of any approval and the works would thereafter need to be carried out only in accordance with the approved Management Plan.

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 would need to be provided for the proposal (2 for each unit). Cycle stores are shown in the rear gardens of 3 out of the 4 units. Although a cycle store will also need to be provided for the fourth dwelling, a suitably worded condition could be included as part of any decision in order to ensure the required cycle stores are provided for each unit.

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 can be 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 100/102 Winchester Road and 1 Godstone Road to the north.

The proposed units would be constructed along the shared boundary but separated by approximately 2.5m from the dwelling at No. 2 Godstone Road. The front section of No. 2 constitutes a brick wall with no windows, however it is noted that a planning application was recently granted at No. 2 Godstone Road (Ref. 16/4818/FUL) for the demolition of existing garden shed and erection of single storey side/rear extension. The rear of No. 2 Godstone Road is partially disguised behind a high boundary wall, although it is noted that the above permission for an extension has been implemented. A Daylight and Sunlight Assessment was submitted with the application which concluded that the proposed development would have an imperceptible impact on the skylight of 25 out of the 28 windows assessed and would have a noticeable impact on the skylight of 3 of the 28 windows assessed. All 3 windows were located at No. 2 Godstone Road, however justification is provided for each of the relevant windows. Overall, the report concludes that the proposed development's impact on the skylight of existing surrounding dwellings should be considered acceptable. This report is considered to provide adequate justification for the loss of daylight/sunlight to the windows of No. 2 Godstone Road, to adequately justify the proposal. Furthermore, due to the nature of the existing mature trees and boundary wall between the two properties, it is considered that the level of outlook from the rear extension to No. 2 is limited. Given the existing situation, it is not considered that the proposal will appear visually intrusive or result in a sense of enclosure on this property. Finally, in relation to privacy, there are no side facing windows proposed which could overlook the dwelling at No. 2 or its garden.

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 would be located a minimum of approx. 20m from the adjoining dwellings to the east on Winchester Road, and therefore complies with this policy. In relation to the properties at 100/102 Winchester Road and 1 Godstone Road to the north, these would fall slightly short of the required 20m separation distance being separated by approx. 17m from the front windows of the proposed development. However, given these windows are already highly visible from Godstone Road, it is not considered that the proposal will adversely impact the existing level of privacy enjoyed by these properties.

In light of the above, the proposal is not considered to result in undue impacts to the amenity of neighbouring properties. As such the proposal complies with Policy LP8 and associated SPD guidance.

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.

Policy LP36 expects at least 50% on-site affordable housing provision on all former employment sites. Given any proposed change of use, in accordance employment policies, any residential use replacing employment floorspace should be in the form of affordable housing, and comply with the tenure split required by Policy LP36 and relevant housing strategies. As per policy requirements, the provision of affordable housing should be discussed with the Council's Housing Development Manager and Registered Providers who are interested in exploring opportunities and maximising funding opportunities. This point has not been addressed in the application, which continues to suggest the site should not be treated as employment land and therefore suggests a financial contribution is sought, rather than recognising the policy requirement to explore on-site provision.

Evidence of exploring on-site provision would need to be provided to accord with the Local Validation Checklist, before a financial contribution to off-site affordable housing would be considered appropriate. Without this, the policy does not comply with Policy LP36. It is also noted that a financial contribution would not normally be discounted to reflect the size of the scheme, as the policy requirement for a change of use from employment to residential set out in employment policies and LP36 is to maximise above normal provision (e.g. the financial contribution that would be sought would be discounted to represent 40% affordable housing where the proposal creates four units replacing former employment floorspace).

A completed pro-forma has been submitted with the application, along with a covering letter setting out valuation details, which suggests a contribution of £483,636. However, this is incorrectly submitted on the basis of 20%. The Council's Planning Viability Advisor has reviewed the open market values and identified higher open market values on the basis of comparables. On this basis, at 40%, a contribution of £1,093,500 is suggested.

However, in the absence of discussions with the Council's Housing Development Manager and Registered Providers in relation to the provision of affordable housing, and failing that with the absence of a binding legal agreement securing the necessary contribution to the affordable housing fund, the proposed scheme would not comply with the outcomes sought by Policy LP36 of the Local Plan and the Affordable Housing Supplementary Planning Documents.

Flood Risk & Sustainable Drainage

Policy LP21 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 Flood Zone 2, which indicates a moderate probability of flooding. In response to this, a Flood Risk Assessment and Drainage Strategy Report has been submitted with the application. It was concluded that the residual risk of flooding to the site can be effectively managed by setting the proposed buildings ground floor levels above the predicted flood level of 6.34m AOD for the 0.1% AEP. A Surface Water Drainage Strategy (SuDS) has also been developed for the site comprising of these components, which would ensure that surface water flows are controlled. This includes the use of green roofs and soft landscaping throughout the property.

In light of the above, it is considered that the proposal would not lead to unreasonable risk for the site or increase flood risk to adjoining properties. As such the proposal complies with Policy LP21 of the Local Plan.

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.

The site and surrounding area has been subject to former potentially contaminative land uses. In response to this, the applicant has submitted a Contamination Report. The Council's Environmental Health officer reviewed the application and recommended the standard contaminated land condition be applied to any approval.

Trees

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.

A Tree Preservation Order (T1049) was established in 2019 and remains in place for all the trees on this site. TPO T1049 is a small area order protecting all trees on the site. Most of the specimens are under mature and have not reached maximum size. The trees are considered to make a positive amenity contribution to this corner of Godstone and Winchester roads and are worthy of their TPO status.

A tree survey and impacts assessment has been submitted, prepared by Tyler Grange. This includes details of each tree as per the standard requirements. All trees are proposed for removal on this site, comprising of 5 category B trees (moderate quality), 4 category C trees (low quality) and one category U (in such a condition that they cannot realistically be retained as living trees). A CAVAT assessment of the existing trees was also prepared by Tyler Grange, and suggested an amount of £80,142.

The Council's Tree officer concurred with the category values given to these trees. It was advised that individually the trees are fairly unremarkable, however their value is as a collective group. It is considered that collectively these trees make a positive greening contribution to the street scene and local area, and their loss would have a negative visual impact for the local area.

As noted above, Policy LP16 states that the Council will resist development that results in the damage or loss of trees that are of townscape or amenity value. The trees are not considered to be of townscape value but they do have amenity value. As such the Tree officer advised there is inadequate justification from a policy standpoint to support the removal of all protected trees within this site. More trees should have been retained as part of this development proposal, and provision of more amenity space for each property and potentially planting within each plot. In relation to T7 (small Prunus), a suspended pavement solution would be ideal in this location for sustainable replanting.

Furthermore, in terms of replacement planting Godstone Road offers little viable opportunity for replanting given the narrow pavement, although some opportunity may be feasible along Winchester road. These opportunities have not been demonstrated within the application.

From the consultation responses it is clear there is significant local interest in this site and opposition to the loss of trees. Given the loss of all protected trees on this site and the lack of sufficient mitigation as part of the proposal, this is not considered to comply with Policy LP16 of the Local Plan which states the Council will initially resist the loss of trees damage or loss of trees that are considered to be of townscape or amenity value.

Ecology

Policy LP15 Biodiversity states that the Council will protect and enhance the Borough's
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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.

The application site, whilst mainly hard surfacing, does provide a vegetation island adjacent to a wildlife corridor (the railway) and is located close to Moormead Site of Importance for Nature Conservation (SINC). The current trees and hedges, albeit some are non-native, still provide nesting and food provision for wildlife.

An Ecological Survey by Tayler Grange has been submitted with the application. The Council's Ecology officer reviewed this document and noted that it clearly shows that the existing trees and vegetation have an importance for foraging and commuting bats and also foraging and nesting birds. It is also important in that it is the only hedgerow on the site providing green landscaping and invertebrate interest and possibly hedgehogs and the report states it has Ecological importance within the site context only (last sentence para 3.16). The Ecology officer noted that it also provides a stepping stone for bird, bats and insects (and possibly hedgehogs), The River Crane, Moormead Park, the railway line and houses of the age and structure that would support bat roosting. The survey report does not contain the times of the bats recorded or a map showing which direction they were flying. This would assist the Council to ascertain if there were bat roosts close by and in which case emerging bats commonly like to feed briefly before moving on to their main feeding area and in which case this area of trees and vegetation would be very important.

In terms of the hedgerow itself it is accepted that it does not have the species or characteristics of a priority hedgerow habitat, but it does still provide foraging commuting and nesting opportunities. The proposed scheme will not provide the same function as it does now. The proposed hedges on Drummond and Godstone Road elevations are likely to be just over 1m high and narrow compared to what they are now. They will not provide the foraging, commuting or nesting characteristic they currently do. The bat species identified (the smaller common and soprano pipistrelle bats) tend to fly at about 5 - 10 metres. By introducing a three storey wall of 20metres long may require the bats to have to fly higher to go above the new buildings therefore expending more energy to get to their main feeding grounds without being able to forage on the way.

A Biodiversity Net Gain (BNG) Matrix by Tyler Grange has also been submitted with the application to demonstrate how the proposed habitat compares with the existing and the inclusion of net gain. The Council's Ecology officer noted the BNG calculation shows a 10.75% increase however the proposed planting (including a wait of 27 years for the trees to get to an equivocal size, nor a guarantee that this will not fail and need to be replanted) does not compare on the ground to what is already there. It discusses off-site post intervention however there are no details of this, and regardless it will not fully mitigate for the loss of habitat in this location. The recommended enhancements of green roof, bat and bird boxes will provide some habitat enhancements but they cannot mitigate for the total loss of habitat on this occasion.

In light of the above, the proposal is not considered to comply with Policy LP15 as it fails to adequately protect and enhance the Borough's biodiversity.

Air Quality

Section B of Policy LP10 states that the Council promotes good air quality design and new technologies. Developers should secure at least 'Emissions Neutral' development. To consider the impact of introducing new developments in areas already subject to poor air quality, the following will be required:

1. an air quality impact assessment, including where necessary, modelled data;

2. mitigation measures to reduce the development's impact upon air quality, including the type of equipment installed, thermal insulation and ducting abatement technology;
3. measures to protect the occupiers of new developments from existing sources;
4. strict mitigation for developments to be used by sensitive receptors such as schools, hospitals and care homes in areas of existing poor air quality; this also applies to proposals close to developments used by sensitive receptors.

An Air Quality Assessment has been submitted which concludes that the development will have no adverse effects on local air quality and does not introduce new exposure within an area of poor air quality, and therefore no additional mitigation is required.

As such, the proposal is considered in accordance with Policy LP10.

Conclusion

Paragraph 11 of the NPPF explains how the presumption in favour of sustainable development applies. It is considered that the 'ordinary' balance should be applied, this means clearly identifying that the proposal complies with the development plan and the weight given to the material planning considerations. The Framework requires the approval of development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages.

When considered in the round, the proposal would result in some economic benefits by creating jobs during construction, however when this is not considered to outweigh overall the economic harm to the borough due to the loss of employment and industrial space. As noted earlier in this report, the Borough is in chronically short supply of industrial and employment land, with demand for space significantly outstripping available supply. Furthermore, in terms of the environmental and social realms, the proposal fails to adequately protect or enhance the existing trees and biodiversity on the site, and in the absence of adequate information to the contrary, the application also has the potential to result in undue parking stress in the surrounding area. Finally, the proposal fails to accord with the relevant policies in relation to affordable housing.

Recommendation – Refuse for the following reasons:

The proposal would result in the complete loss of existing ancillary industrial space and without adequate replacement space or a marketing exercise in accordance with Appendix 5 of the Local Plan to demonstrate there is no longer any demand for this space, this would reduce employment opportunities within the locality contrary to the aims of the Council's employment policies. The proposal would therefore fail to comply with Policies LP40 and LP42 of the Local Plan (2018), the GLA Industrial Land Supply and Economy Study (2015), and the Mayor of London's Land for Industry and Transport Supplementary Planning Guidance (2012).

Due to the loss of trees with amenity value to the local area, and in the absence of adequate replacement on-site planting, the proposal fails to protect, respect and enhance existing trees, biodiversity, and landscapes in the surrounding environment. This is contrary to, in particular, Policies LP1, LP15 and LP16 of the Local Plan (2018).

In the absence of satisfactory on-site parking provision or a parking survey to demonstrate that surrounding streets would be able to accommodate a shortfall of 4 no. off street parking spaces, the scheme would in all likelihood result in an adverse impact on the free flow of traffic and local parking conditions to the detriment of highway and pedestrian safety. The scheme is therefore

contrary, in particular, to policy LP45 of the Local Plan (2018) and the Supplementary Planning Document: Transport (2020).

The development does not provide appropriate affordable housing, either on site or by way of an affordable housing contribution towards off-site provision, and would therefore be contrary to adopted Supplementary Planning Guidance 'Affordable Housing' and Policy LP36 of the Local Plan (2018).

The proposed development, by reason of its prominent corner siting, excessive bulk, scale and unsatisfactory design would constitute an incongruous and unsympathetic form of development which is out of keeping with the character and appearance of the Winchester Road street scene. This aspect of the proposal would therefore be contrary to, in particular, Policy LP1 of the Council's Local Plan (2018) and the St Margarets Village Planning Guidance (2016).

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES /~~NO~~

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. ~~FORWARD TO COMMITTEE~~

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES ~~NO~~

This application has representations on file YES ~~NO~~

Case Officer (Initials):TF.....

Dated:21/12/2020.....

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:21/12/2020.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:

UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0047851	NPPF REFUSAL- Para. 38-42
U0047852	Decision drawings

Appendix 2: 2021 Appeal Decision (APP/L5810/W/21/3268141)



Appeal Decision

Site Visit made on 13 July 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Appeal Ref: APP/L5810/W/21/3268141

Car Park at St Margarets Business Centre, Godstone Road, St Margarets, TW1 1JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Godstone Developments Limited against the decision of Richmond Upon Thames London Borough Council.
 - The application 20/2664/FUL, dated 22 September 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the erection of 4no. residential dwellings (Class C3) with associated parking, access, and landscaping (incl. removal of existing trees).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.
3. Since the planning application was determined the London Plan 2021 has been adopted. The Council has had the opportunity to comment on this in its appeal statement. Subsequently, given the change to parking provision requirements as contained within the most recently adopted London Plan, the Council is satisfied that sufficient parking provision is made within the scheme and as such removes its objection on this matter. I have no reason to disagree with this position and as such do not refer to parking provision in the main issues below.

Main Issues

4. The main issues raised are:
 - i) The effect on the character and appearance of the area, including the effect of the removal of protected trees,
 - ii) The effect on biodiversity,
 - iii) Whether the scheme would result in the unjustified loss of ancillary industrial land, and

- iv) Whether the scheme makes adequate provision for a contribution towards affordable housing.

Reasons

Character and appearance

5. The appeal site lies at the end of a linear arrangement of semi-detached properties, which are a defining characteristic of the local area. The area is characterised by the appearance of these semi-detached units along roads, as well as to the rear of properties well-defined two-storey projecting elements which are set in from the gable ends of pairs of properties. This arrangement is clearly visible from vantage points in the surrounding area, including where perpendicular terraces meet. However, it was most apparent from elevated views afforded from the bridge across the adjacent railway line.
6. In contrast to this, the rear elements of the proposed properties would form a single, continuous feature spanning almost the entire length of the rear elevation of the terrace of four dwellings. This would lack the relief between the rear elements of surrounding properties that is provided by the setbacks and breaks between buildings. Consequently, the rear of the proposed development would appear as a single unwieldy and homogenous feature, with a large, unbroken expanse of flat roof, that would fail to integrate appropriately with the surrounding development.
7. The proposed building would be viewed as an overly bulky feature within the context of the surrounding townscape, and this would be appreciable from the adjacent road and would be a particularly unsympathetic feature when viewed from the elevated railway bridge. Thus, the appeal scheme would fail to integrate acceptably with the development with which it would share a close visual affinity.
8. Moreover, the proposed development would result in the loss of all but one of the existing trees within the site. Some of these are large specimens and all are the subject of a Tree Preservation Order. Within the context of the densely arranged urban grain of surrounding development, the presence of the trees provides a welcome relief from built form within the streetscape. While it has been identified within the submitted Arboricultural assessment that the trees are individually of moderate or low value, I find that the collective value of the trees as a group is substantial and that they comprise an attractive cluster of trees, making a positive contribution to the appearance of the street. The loss of the trees, notwithstanding the proposals for replacement planting elsewhere, would substantially degrade the quality of the streetscene at this location. The inclusion of some replacement trees within the proposed scheme would do little to ameliorate this impact, given that the size and number would not be comparable to the existing specimens.
9. Consequently, for the reasons given above, I find that the proposal would be harmful to the character and appearance of the area, including the loss of protected trees, contrary to Policies LP1, LP15 and LP16 of the London Borough of Richmond Upon Thames Local Plan (the Local Plan). Together, and amongst other things, these policies seek to ensure that development contributes to the local environment and character, as well as protecting existing trees that are of amenity value.

Biodiversity

10. The ecological assessment submitted in support of the planning application identifies that the site has some importance in terms of supporting biodiversity, predominantly as foraging and commuting habitat. While the scheme would result in the loss of this, given the location of vegetation lining the nearby railway line, an appropriate landscaping scheme secured by planning condition could ensure that sufficient habitat replacement is incorporated into the development. In this respect, I find that the scheme would not result in any unacceptable effect on biodiversity and thus it accords with policy LP15 of the Local Plan insofar as it seeks to ensure new habitats or biodiversity features are incorporated into development.

Loss of ancillary industrial land

11. The appeal site comprises an area of car parking, near to St Margarets Business Centre. While there is a proximity to this employment site, the area is visually distinct from it and this separation is reinforced by the presence of a gated access to the employment site, which the appeal site lies outside of.
12. I note that the Council contend that the site comprises an ancillary use to the industrial use within the employment site. However, there is nothing before me that convinces me that the use of the appeal site is inextricably linked to the use of the adjacent commercial premises. Furthermore, I note that the site lies outside of the area that is designated within the Local Plan as Locally Important Industrial Land and Business Parks. There is no floorspace provision within the site, through the presence of any buildings, and the location appears independent from the employment site.
13. As such, I find that the site does not comprise an area that contributes towards the supply of industrial floorspace within the Borough, nor is it existing industrial premises. Accordingly, the proposal would not conflict with the requirements of Policies LP40 and LP42 of the Local Plan, insofar as they seek to protect against the unjustified loss of employment and industrial land.

Affordable housing

14. Policy LP36 of the Local Plan seeks that a contribution towards the provision of affordable housing be sought on all housing sites unless economic viability considerations indicate otherwise. However, paragraph 64 of the National Planning Policy Framework outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
15. The Council highlight local evidence of affordable housing need is substantial and that high levels of need are evidenced in a recent Housing and Homelessness Strategy. It is also stated that the Council is reliant on contributions from small sites in order to meet affordable housing policy objectives. These matters weigh significantly in favour of seeking a contribution towards affordable housing. The appellant has not disputed these matters.
16. Having regard to this information therefore, I consider that the specific circumstances within this borough together with the policy of the development plan are sufficient, in this case, to outweigh the guidance of the Framework. This is consistent with the approach taken by Inspectors in the appeal decisions referenced by the Council.

17. On sites of less than 10 units, the policy sets out a sliding scale for the contributions required, based on the number of units being delivered. In this instance, with four units being proposed, for new build development a financial contribution which equates to 20% provision is set out within policy. However, the Council contend that the appropriate contribution would be a 40% contribution for units replacing employment floorspace.
18. I am conscious that the policy specifically refers to the replacement of employment floorspace, which as I have set out above, the appeal site does not comprise. Furthermore, as I have also found that the appeal site does not comprise an employment site, the contribution in respect of new build development, i.e., 20%, would be appropriate. The appellant has submitted a completed Unilateral Undertaking (UU), securing the payment of this contribution towards affordable housing. The Council has confirmed that the UU is acceptable. On this basis, I find that the scheme would make the appropriate contribution towards affordable housing and thus complies with policy 36 of the Local Plan which seeks that a contribution towards the provision of affordable housing be sought on all housing sites, unless economic viability considerations indicate otherwise.

Other Matters

19. I acknowledge that the development would result in the delivery of new housing, including contributing towards affordable housing, with positive social and economic benefits. There would also be benefits in terms of the use of previously developed land. However, these benefits are not sufficient to outweigh the harm that I have identified.

Conclusion

20. While I find that there would be no inappropriate loss of industrial floorspace, that the scheme would make adequate provision towards affordable housing, and no harm to biodiversity, there would be harmful effects on the character and appearance of the area, which includes the loss of important, protected trees. This harm is decisive.
21. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

Appendix 3: Amyand Park Road Conservation Area Map

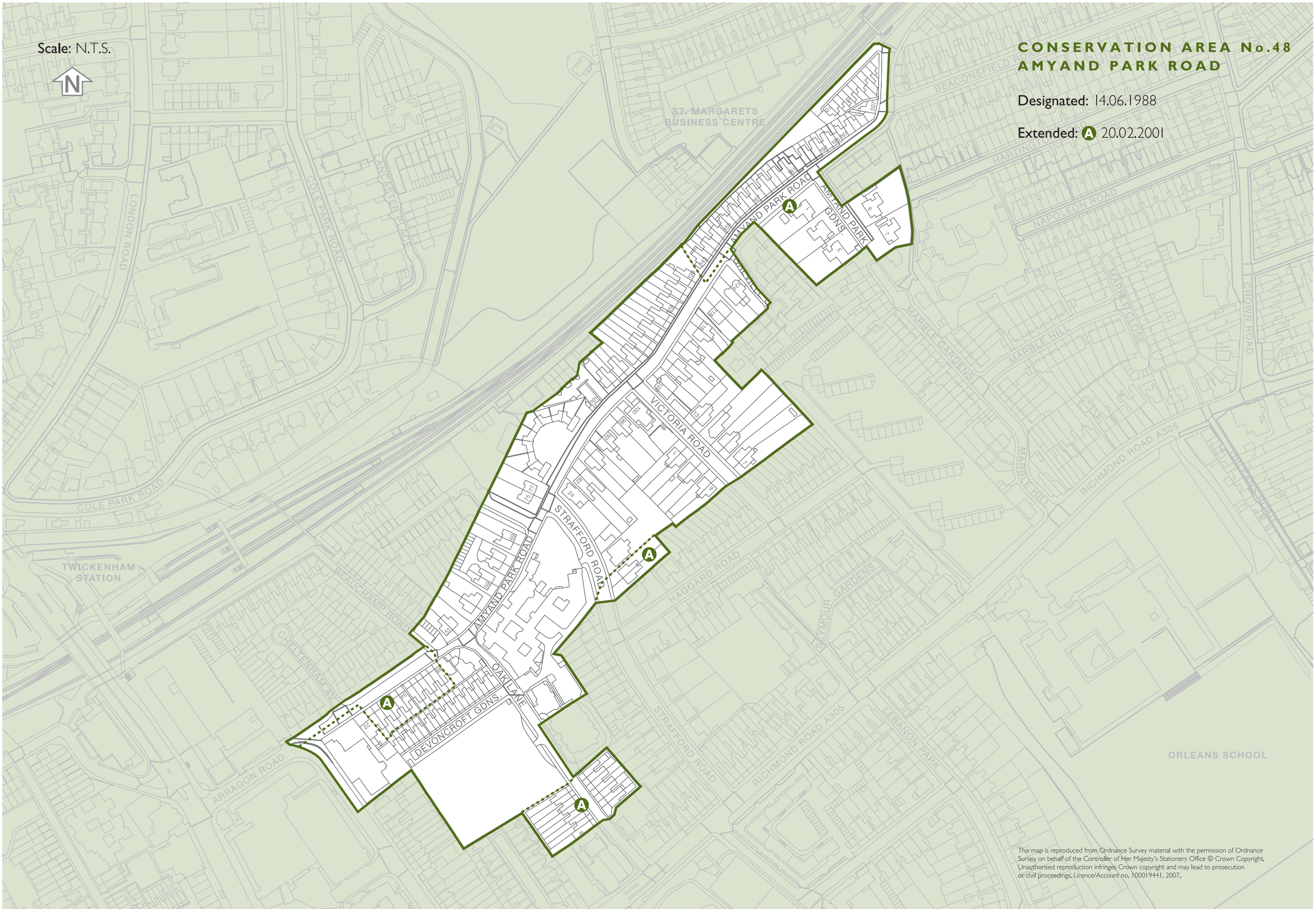
Scale: N.T.S.



CONSERVATION AREA No.48 AMYAND PARK ROAD

Designated: 14.06.1988

Extended: **A** 20.02.2001



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HERITAGE



Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Glos
GL7 1RT

Telephone: 01285 641717

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