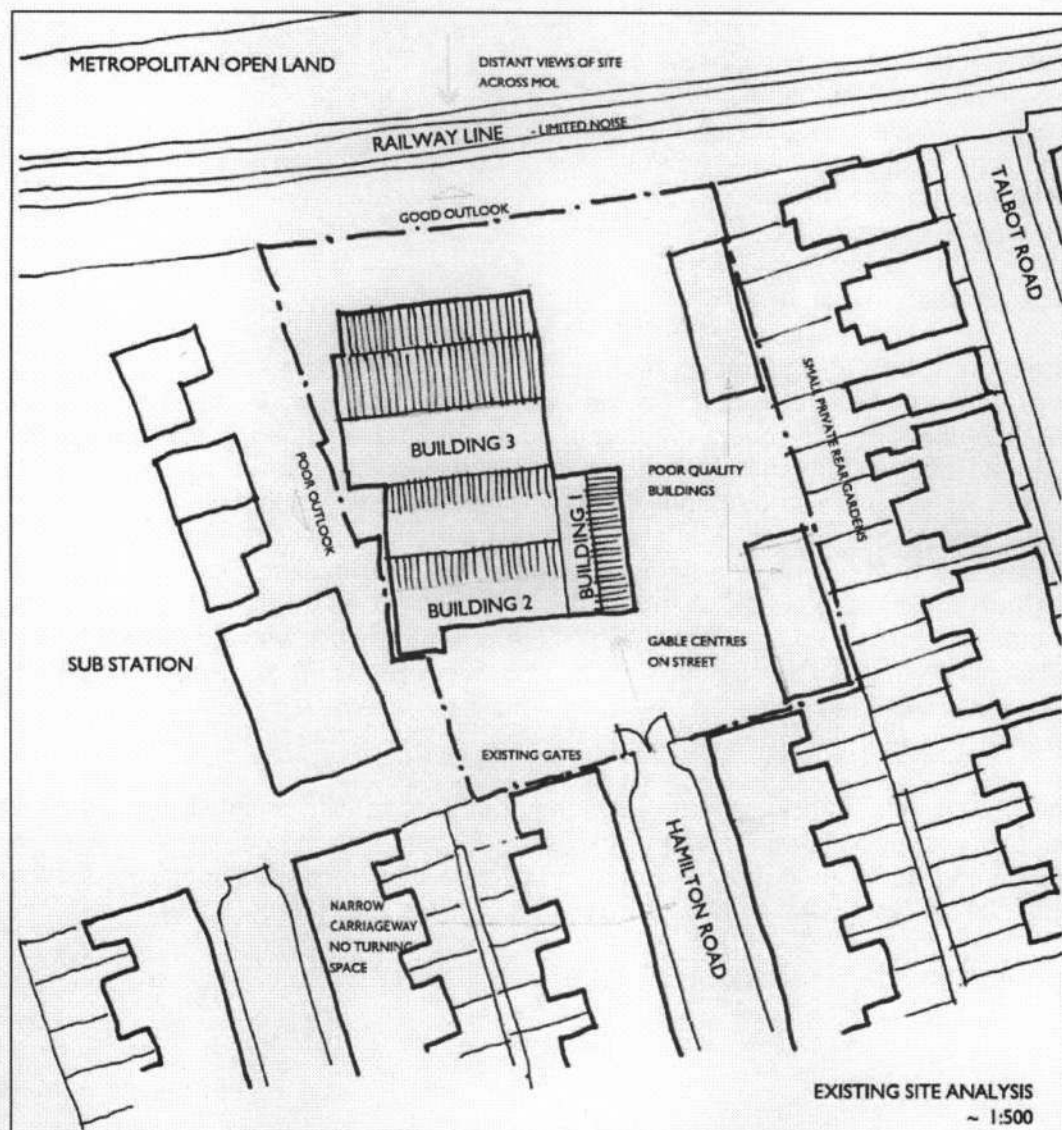


08/2870/FUL and 08/3000/CAC  
37 Hamilton Road  
Twickenham  
TW2 6SN



NOT TO SCALE

**Proposal:** Conversion of existing redundant industrial buildings into 21 flats, demolition of minor buildings and structures and construction of 6 new residential units, with 24 car parking spaces.

**Applicant:** Hamilton Lofts Ltd

**Application received:** 26 August 2008

**Main development plan policies:**

UDP First Review – ENV 1, 5, 7, 20, 33, 35 BLT 2, 4, 5, 11, 12, 13, 14, 15, 16, 17, 27, 30, HSG 6, 7, 8, 11, 12, 13, 14, 18, 19, TRN 2, 4, EMP 4, 6, CCE 24

Local Development Framework - Core Strategy – CP1, CP2, CP3, CP4, CP5, CP7, CP10, CP11, CP12, CP13, CP14, CP15, CP16, CP18

London Plan – 3A.1, 3A.3, 3A.4, 3A.5, 3A.8, 3A.9, 3A.10, 3A.11, 3A.18, 3B.1, 3B.2, 3B.4, 3C.1, 3C.3, 3C.17, 3C.22, 3C.23, 3D.10, 3D.14, 4A.1, 4A.3, 4A.4, 4A.7, 4A.9, 4A.10, 4A.11, 4A.12, 4A.13, 4A.33, 4B.1, 4B.2, 4B.3, 4B.4, 4B.8, 4B.12, 4B.13, 4C.3, 4C.17, 4C.6 and 6A.5.

Sustainable Construction Checklist SPD  
Design Quality SPD  
Small and Medium Housing Sites SPD  
Planning Obligations Strategy SPG  
Car Club Strategy SPD  
Affordable Housing SPG

**Present use:** Industrial

**Site description and planning history:**

The application site is located at the head of the Hamilton Road, a cul-de-sac in Twickenham. The site covers an area of some 0.23 ha, is currently occupied by three Victorian buildings (labelled Buildings 1, 2 and 3 on the above site plan), 2 to 3-storeys in height, some outbuildings and an electricity substation. The site is characterised by markedly different boundary conditions. To the north lies the railway and beyond, playing fields designated as Metropolitan Open Land. To the east are the back gardens of terraced houses in Talbot Road, to the west a large electricity transformer sub station and to the other the flank walls of terraced houses in Hamilton Road. The site itself is situated within the Hamilton Road Conservation Area, the Victorian industrial buildings on site are designated as Buildings of Townscape Merit.

The recent use of the site has been general storage with a small amount of light industry occupying a minor part of the site. Its established use is a combination of B1, B2 and B8. The temporary retention of a trailer demonstrating the production of biodiesel for a period of two years was approved this year (20.03.2009).

The main vehicle access point to the site is from Hamilton Road.

Hamilton Road is not within a controlled parking zone.

**History**

The planning history of the site includes a number of refused planning applications for residential development at the site. The latter, and most relevant to the consideration of this case, is application ref: 06/3890/FUL for the part demolition and part refurbishment of the site to provide 31 No. residential units (19 market units, 12 affordable units - 10, 1 bedroom flats and 21, 2-bedroom flats), 1 No. B1 work/live unit (184 sqm) and 32 car parking spaces. Following refusal, the application was appealed and subsequently dismissed by a Planning Inspectorate.

The application was refused for the following 7 reasons:

**1. Scale of Development**

The proposal, by reason of its scale, height, bulk and design represents overdevelopment of the site and would neither enhance or preserve the character and appearance of the Conservation, thus would be an obtrusive form of development detrimental to the visual amenities of the Conservation Area and Metropolitan Open Land. The proposal is therefore contrary to policies STG2, ENV1,

BLT2, BLT4 and IMP3 of the Richmond Upon Thames Unitary Development Plan First Review 2005.

#### 2. Demolition of BTMs

In the absence of sufficiently rigorous supporting evidence it has not been demonstrated that the demolition of two of the Buildings of Townscape Merit proposal is justified. The proposal to demolish would be detrimental to the character and appearance of the group of Buildings of Townscape Merit in particular and Hamilton Road Conservation Area in general and would not seek to conserve energy and resources, thereby contrary to policies STG2, STG 3, IMP 1, BLT2 and BLT4 of the Unitary Development Plan: 2004 First Review

#### 3. Overbearing and Unneighbourly Dev't

The proposal, by reason of its height, location, profile and bulk at roof level would be an overbearing and unneighbourly form of development which would be detrimental to the privacy and amenities of the occupiers of the residential properties on Talbot Road. The proposal is therefore contrary to policies BLT11, BLT16, HSG4 and HSG11 of the Richmond Upon Thames Unitary Development Plan First Review 2005.

#### 4. Loss of employment land

The proposal would result in a significant reduction in the amount of employment floor space within the site, which would reduce employment opportunities in the locality contrary to the aims of the Council's employment policies. The proposal would therefore be contrary to policy EMP 4 of the London Borough of Richmond upon Thames Unitary Development Plan First Review 2005 and 3B.1 of the London Plan.

#### 5. Affordable Housing

The development which proposes a high proportion of market housing and does not provide a sufficient level of appropriate affordable housing to compensate adequately for the substantial loss of employment floor space. This would provide an unacceptable mix of development and would therefore be contrary to adopted Supplementary Planning Guidance 'Affordable Housing' and Policy EMP 4 of the Richmond upon Thames Unitary Development Plan First Review 2005 and 3A.6 of the London Plan

#### 6. Education

By reason, of the development being likely to generate the need for additional primary and secondary school places, the sites location within Area 3 "West and South Twickenham" which has a projected shortage of school places, and the absence of an appropriate undertaking to provide a financial contribution towards education, the scheme would place unreasonable demand on existing education facilities. The proposal is therefore contrary to policies IMP3, HSG18 and CCE8 of the London Borough of Richmond upon Thames Unitary Development Plan: First Review 2005.

#### 7. Other Planning Obligation

Without a binding obligation to provide an appropriate contribution towards health, public realm and open space, playing pitches and transport facilities within the borough, the proposal would be contrary to policies IMP3 of the adopted Richmond upon Thames Unitary Development Plan: First Review 2005

Prior to the appeal a unilateral undertaking was submitted by the applicant agreeing the Planning Obligation Strategy contribution towards education £ 46, 214, public

realm £32, 606 and health £7, 049 while the transport contribution was reduced to £24, 716 (required contribution £146,288). Reason 6 and 7 were hence only contested in respect to transport contributions.

At appeal, the Inspector upheld reasons for refusal nos 1, 2 and 3 but accepted the loss of employment due to the location's poor accessibility and the affordable housing provision of 38% (75% social rented and 25% shared ownership) which was considered sufficiently close to the then housing policy requirement of 40% of all units proposed. It is noted that the Inspector also concluded that the site's physical constraints on amenity provision suggested that a higher percentage of family units in the social rented sector (4, 2 bed and 5, 1-bed) could not be supported. Finally, the Inspector considered the payment of the transport contribution at the level requested, which did not take account of the benefits of the turning head (and costs to the developer – a figure of £85, 000 was quoted for construction of the turning head at an adoptable standard), had been successfully shown to render the scheme unviable. It was hence held that the requirement was contrary to para B9 of circular 05/2005 on Planning Obligations which requires such payments to be fairly and reasonably related to the scale and kind of development proposed.

A conservation area consent application (ref: 06/0548/CAC) accompanying the above planning application was also refused on the grounds of loss of building of townscape merit and consequent harm to the appearance and character of the Hamilton Road Conservation Area. This decision was again upheld at appeal.

### **Proposal**

The current proposal is for redevelopment of the site to form 27 (22, 1-bed, 4, 2-bed and 1, 3-bed units) residential units and 24 car parking spaces plus landscaping. The housing initially comprised a mix of 19 market units and 8 affordable units (6, 1 beds and 2, 2 bed flats all shared ownership). The building works would involve:

- a) the refurbishment of building 1 (the centrally located BTM at the front of the site) and its conversion to 2, 2-bedroom flats.
- b) the refurbishment and partial rebuilding of building 2, due to its structural defects, reusing salvaged bricks, matching all replacement bricks, the brick bond and mortar jointing. This building would be converted to accommodate 6, 1-bed flats. The rear of the building will be extended out across all 3 floors to provide kitchen and bathroom accommodation.
- c) a courtyard will be formed between building 2 and 3 by the removal of the roof and west wall to building 3. This courtyard will form the principal circulation space and access to all 3 of retained buildings and will contain access stairs, lift and bridges to the flats.
- d) building 3 will be part refurbished(northern and eastern walls) and part newly constructed(southern and western walls, roofing). New floors will be introduced into the main bulk of the building to provide 13 flats (11, 1-bed and 2, 2-bed flats)
- e) construction of 1, 2 storey and 5, single-storey dwellings in 2 blocks backing onto the eastern boundary (Talbot Road). The dwellings comprise 1, 3-bed unit and 5, 1-bed units.
- f) other new buildings on site comprise covered bicycle and refuse stores situated between the above 2 blocks backing on to the eastern boundary – the cycle store could house 36 bicycles
- g) the entrance to the site is ungated and the parking layout provides 24 car spaces, 3 of wheelchair standard
- h) a new turning head will be provided within the site, its use will be available to the general public as well as occupants of the proposed development

A unilateral undertaking is submitted with the application but is in draft form and relates solely to the provision of 8 affordable housing units all in shared ownership.

A conservation area consent application (ref: 08/3000/CAC) for the partial demolition works accompanies this planning application.

**Public and other representations:**

Environment Agency has raised no objections to the proposal subject to the imposition of recommended conditions NS01 to NS05 to prevent pollution to controlled waters.

Thames Water has advised that public sewers cross the site and no building works will be permitted within 3metres of the sewers without Thames Water's approval. No objections are raised on water infrastructure or surface water drainage grounds.

Network Rail has advised that construction works on this site must not endanger the safe operation of the railway, or stability of Network Rail structures. Conditions are necessary to ensure that secure fencing is provided, all buildings and structures set back from the boundary. A method statement must be agreed for any excavations within 10m of the operational railway. Landscaping would also need to be agreed with Network Rail. Potential for noise and vibration impact needs to be resolved.

Local Residents; 39 letters have been received from neighbours objecting to the proposals on the following grounds:

**Transport**

- Inadequate parking provision for occupants (development can house 57 people)
- No visitor parking
- Overspill parking from the development adding to the existing pressures on parking along Hamilton Road
- Additional through traffic along Hamilton Road which is too narrow to cater for an approx 50% increase on existing (current 60 houses, proposal for 26 units)
- One access road into the development is not sufficient – proposed arrangement will cause traffic jams along Hamilton Road
- Additional traffic will prejudice road safety along Hamilton Road, especially for young children who can play in the street safely at present
- Additional residents in the area will lead to greater congestion on the network of local roads within the Colne Road area
- Access for service vehicles very restricted – will be further impaired
- Hamilton Road is an unsuitable access for construction traffic

**Design and Sustainability**

- The existing buildings have architectural merit and are an important part of Twickenham heritage – some of these will be lost
- Harmful to the conservation area – fails to enhance character and appearance
- Scale of development not consistent with this road and other surrounding properties in the conservation area
- Apart from solar heating, no other renewable energy devices proposed
- Additional surface water run-off will increase the risk of flooding
- No work units retained on site – a mixed use scheme would be good for the area, security and free up local parking for residents in the evening

#### Density

- Overdevelopment – site lends itself to a different housing mix, fewer family houses rather than a large number of small apartments
- 40% increase in the number of people living in Hamilton road will ruin its quiet backwater character
- Apartments should be more spacious

#### Amenity

- Increased noise and disturbance, these terraced houses and their front rooms are sited very close to the road side and are hence vulnerable to air and noise pollution
- Buildings 22 and 23 only 6ft from back wall of 51 Talbot Road and will cause loss of light
- inappropriate back garden size

#### Other

- Bats are thought to colonise existing buildings
- Light pollution harmful to local environment
- Loss of plant life – especially the Wysteria climbing up the face of Building 1
- Development near the River Crane and liable to flooding – no Flood Risk Assessment submitted

Objection letters also received quoting the CAC application reference but not raising objections to the demolition works.

#### **Amendments**

The applicant has advised that he is willing to adjust the affordable housing tenure from shared ownership to all social rental – this has not been secured by way of a unilateral undertaking.

The turning head has been offered with public rights of way across

The site layout plan has been amended in response to transport-related issues:

Sightlines improved to bays 22 and 23

Car club bay provided

Disabled parking space resited

Cycle storage spaces reduced from 36 to 34

Granite setts to turning area

Elevations to buildings 1, 2 and 3 – annotation clarified

New elevations provided of the refuse and cycle storage provided

Wheelchair housing – plot no 2 will be adapted to SPG Design for Maximum Access

#### **Professional comments:**

##### Principle of Development

##### Loss Of Employment

The historic use of the site has always been for employment related purposes and there is a clear policy preference in the UDP (EMP 4) for the retention of employment on such sites. The loss of employment land is only acceptable in exceptional circumstances which include when the existing premises have severe site restriction in terms of access and servicing arrangements which would make its continued employment use inappropriate. The site is not very accessible, being located at the end of a cul-de-sac in an area of narrow streets identified in the UDP Review as “an

area of older, improved housing in which are interspersed industrial and commercial uses. The proximity of these uses creates problems of noise and disturbance from lorries and on-street parking”.

At the appeal, the Council's position was that based on the findings of an Employment Land Study (ELS), the site was suitable for high quality B1 office development or indeed small scale B1 light industrial uses. The ELS had identified an increased demand for high quality office space and warehouse space in the borough and a reduced demand for land/premises in industrial use. The ELS suggests that high density employment uses such as office use should be located within areas with, amongst other things, good public transport. The site he noted was located in a PTAL 2 area which TfL categorises as poor and that the Council did not provide evidence to support its assertion that this a good site for high quality office. Moreover, the Council had not challenged the applicant's detailed evidence that there are many high quality offices and site currently vacant in the area. In this context the Inspector found in favour of the applicant and agreed with the applicant's suggestion that a mixed use development, including residential, should not be resisted.

The current proposal is no longer proposing a small live-work unit (184 sqm) and while the scheme is no longer technically mixed use, in light of the Inspector's wider findings in relation to EMP4, it is not considered that this revision should lead to a different conclusion and that it is still concluded that the proposed scheme does not conflict with the overall objectives of Policy EMP4 regarding the protection of employment land.

#### Affordable Housing

In view of the Inspector's conclusion regarding EMP4, the Council have accepted the principle of residential redevelopment but would generally try to maximise the affordable housing provision on the site with a target of 40% affordable housing being required within the Plan period. Specific reference in the final section of policy EMP4 makes provision for affordable residential development where alternative employment uses, such as health, leisure, tourism, childcare or hotels, cannot be secured

“Where none of these is practicable the Council may permit residential development in the form of permanently affordable housing”.

The Inspector when considering the appeal scheme considered the mix of uses on site to be suitable with 39% of all units being affordable and according to the policy/spd requirement of 75% social rented and 25% shared ownership. The proposed scale of affordable housing provision being noted to be at a scale not significantly below the 40% requirement and tenure being in full accordance. Since the consideration of this case, the policy/spd context to the provision of affordable housing in this borough over the plan period has been raised to 50% in accordance with the London Plan policies whilst the tenure split has been amended to 80% social rented, 20% shared ownership (CP 15 (adopted in April 2009). The proposal also now achieves a lesser number of overall units (3, 1 bed houses, 3 1-bed flats and 2, 2-bed flats) at a greater cost of construction linked to retaining and restoring the existing site buildings (to be discussed in sections below). The affordable housing provision is now lowered to 30% and in the absence of a unilateral undertaking cannot be assumed to be in compliance with the mix of social rented and shared ownership required by policy and spd. Should a unilateral undertaking be submitted confirming the applicant's offer to provide the units all as social rented, then the tenure mix would be acceptable. In terms of nos of units, in view of the reduced

percentage on offer and the greater policy requirement, it is no longer considered possible to argue that the scale of provision is not significantly below that required by policy and SPD. Consequently, it is for the developer to demonstrate why this level cannot be achieved, and in that regard a viability report has been submitted in the form of a '3 Dragons' Affordable Housing Toolkit. The viability appraisal has been scrutinised by an independent consultant working for the Council who notes as follows:

- Anticipated sales revenue for the private housing looks pessimistic however the current housing market justifies such caution and there are no convincing comparators that would allow the assumed value to be challenged
- Construction costs are supported by a sketchy, high level cost plan. The values are slightly higher than the Toolkit benchmarks but in view of the unique challenges involved with the refurbishment of the existing buildings, these are difficult to challenge without engaging a qualified QS.
- Assumed interest rates at 7.5% are high but the applicant has provided an extract of the loan agreement - accepted
- Planning Obligation Strategy (£15K – Education, £25K - Public Realm and £5K - Health) claimed to be in line with SPD – site includes a turning head on site that will become public highway and available for public use negating the need for a transport contribution
- Affordable housing assumes a fixed package price – offer confirmed by Paragon's Chris Whelan
- Existing site value is set at £335K – accepted as reasonable

On the basis of the above, it is concluded that the scheme's residual value as generated by the Toolkit is £258K ie a lower value than the existing site value.

While it is accepted that the financial appraisal adequately demonstrates that the scheme if built out under current market conditions restrains the applicant's from offering a level of affordable housing provision in line with Council policy, i.e. 50% of units built. The key issue is whether a 3 year planning permission should be granted to bring forward a scheme that under normal market conditions would be considered unacceptable when there is an absence of consensus amongst property experts regarding the likely period of recovery. As such, it is considered necessary for the operation of a meaningful financial monitoring and review procedure of the development and to this end the applicant's had not committed, at the time of this report's preparation, to allow the auditing of the development process on an open book basis in relation to build costs and final sales. This monitoring and review of the development economics should form part of the S106 agreement which also agrees in the event of overage being achieved – i.e. a profit in excess of the minimum necessary to implement scheme - that this will go towards addressing the shortfall in affordable housing units to a maximum of 50% of units built.

In the absence of a Unilateral Undertaking securing the above review mechanism it is considered that the revised application has not overcome the reasons for refusal linked to insufficient levels of affordable housing.

It is noted that the majority (75%) of units are 1-bedroom (6No) however in view of the Inspector's comments on the earlier scheme and the proposal still providing little amenity space for children, I do not intend to raise a criticism to the size of units proposed.

Density



National Planning Policy (PPG3) and the London Plan recommends that development of below 30 units/hectare should be avoided. Council policy HSG 11 also recognises that for sustainable reasons, it is important that the housing sites area used efficiently. It is however critical, when considering the schemes, that densities and housing needs are balanced against the need to maintain the character and appearance of the local area.

An area, such as this site comprising an area of dense terraced housing within 800m of a district town centre such as Twickenham would normally be regarded as urban as set out in the London Plan housing density matrix. Area with a PTAL rating of 2 are recommended to have a density in the range of 45 to 120 units/hectare. The current proposal is at a density of 117 units/hectare and is considered to be in accordance with the objectives of this and local housing density policies. In view of the nature of the project being primarily one of retention and refurbishment of existing buildings, it is also not considered that the proposal will appear to be an overdevelopment of the site in term of urban design issues, in particular the physical massing of the development.

#### Small Households

Policy HSG 11 expects that new development provide a reasonable number of small units (studio and 1 bedroom flats) appropriate to the site and "the Council will seek to negotiate at least 25% small units on appropriate sites". 25% is a normal requirement while sites in areas of high public transport accessibility and with good access to facilities such as shops carry a higher requirement of 75%. The number of small units proposed (22) is in accordance with HSG 11 representing 81% of all units proposed.

All housing should be built to Lifetime Homes standards and 10% of all new housing should be to wheelchair standards (CP14). The number of adapted units satisfies the main policy requirements in terms of wheelchair units and a condition can be attached to secure Lifetime Homes standards as well. A condition is attached to ensure that the disabled parking spaces are adequately 'signed', it is noted that the layout plan shows them the spaces situated within a car port or close to the entrance of the flats.

#### Traffic and Parking

As noted by the Inspector while there are significant public concerns as regards local parking conditions, the level of parking provision remains consistent with the Council's current standards and only 4 lower than the maximum amount of parking permissible on site. The appeal scheme was only 2 spaces below the maximum. The site, while PTAL 2 (low), is close to the good bus routes found around Twickenham Green. The nearby shops, cafes and restaurants also render this a suitable location for people reliant on other means of transport to the car. It is felt that the development would hence be likely to be occupied in a manner that places only a limited extra burden on existing on-street parking spaces, especially if conditioned to make the most efficient use of the proposed spaces by requiring that they aren't allocated to individual properties. The applicant has however failed to submit a unilateral undertaking agreeing to other measures aimed at further discouraging car ownership at the development and promoting sustainable travel patterns – such measures include:

- Removal of eligibility for CPZ permits should the area be designated a Controlled parking Zone in the next 5 years
- Car club membership for all units and designation of car club bay on site

A benefit for the users of Hamilton Road is also on offer from the applicant, namely public rights of way across the turning head and access road however again the applicant has failed to submit a unilateral undertaking formalising this offer to the Council. It is noted that vehicular gates are not shown on the plans ensuring unrestricted use of the turning head – this would need to be conditioned.

The development provides fewer units and parking spaces than the appeal scheme of which the Inspector found no effect on traffic generation on the local road network that warranted the scheme's dismissal.

The proposed parking arrangements allow sufficient space for vehicles to turn on site and exit in forward gear.

Sufficient disabled parking (3) and covered cycle spaces (42) are provided; a condition can be attached to ensure that they are properly designed.

Refuse and recycling facilities can be provided to the appropriate standard, a condition can be attached to this affect.

#### Neighbouring Amenity

In terms of residential amenity, the principal impact of the new development will be upon the properties on Talbot Road. The rear gardens of these properties are only approximately 6 metres in depth. In the appeal scheme, these properties were identified as causing serious harm to the outlook because of the combined impact of the limited separation between the new buildings (around 2.5m), their height and the steeply pitched roofs (shown as ranging in height from 5.8 to 6.2m) at a distance of 1.0 to 1.2m. To overcome this overbearing and domineering impact, the proposed buildings with the smallest rear areas are now single storey and lowered to a height of 2.6m at eaves to 4.6m at ridge level. The next 3 units are 5.0m to 6.0m from the Talbot Road boundary and are either flat roofed or asymmetrical in form (2-storey front, single storey back) – these houses have a maximum height of 5.4m. The buildings are also separated by a large gap of around 9.5m. These modifications are considered to adequately protect the outlook from the Talbot Road houses.

In terms of daylight, sunlight and privacy, the previous scheme was found to be acceptable in these regards by the Inspector. The new development retains and refurbishes the existing site buildings for residential occupation however these buildings are at a distance that ranges from 14.0m to 17.5m from 38a Hamilton Road. The buildings are 17.0m to 20.0m from the Talbot Road boundary. Views from the walkways within the internal courtyard will be screened by the façade of the retained buildings and it is not considered that an objection on privacy grounds can be raised in relation to the existing refurbished buildings. Similarly these separation distances are sufficient to ensure compliance with BRE guidelines on Daylighting and Sunlighting. The nearest overlooking windows are from 2-bedrooms in the new housing unit attached to the side wall of 36 and while this is closer than normally required by SPG, it accords with the rear building line of the back annexes to the Hamilton Road properties. The existing privacy afforded by houses on Talbot Road are governed by these distances and it is not considered that an argument can be raised to the new house on the grounds of deterioration of privacy.

#### BTMs/Conservation Area Impact

At appeal, the Inspector supported the Council's contention that the existing BTMs form a cohesive historical group and are some of the best examples of Victorian industrial buildings within the local area. In particular, the appearance of the

southern and eastern elevations of buildings 1 and 2 and the scale/mass of the group when viewed along Hamilton road were considered to make a major positive contribution to the character and appearance of the Conservation Area. Views from the pedestrian footbridge over the railway to the north east were also highlighted to be of importance. Of lesser importance are the views from the Metropolitan Open Land to the rear and Warwick Road.

The current development now proposes minor changes to building 1 omitting the dormer windows previously proposed while buildings 2 and 3 are shown to be retained and refurbished except for the walls facing into the courtyard and the western wall of building 3. Where walls are to be removed, they are being rebuilt with matching materials and to a simple design. In this way, the development's contribution to the conservation area is being enhanced by restoring and reusing the existing buildings thereby retaining the spirit/character of that important main vista northwards along Hamilton Road and other areas of the Conservation Area.

#### Demolition/CAC matters

The conservation area consent application no longer proposes the total demolition of the BTMs, the partial demolition of the western and southern elevation of building 3 and partial demolition of the northern elevation of building 2 do not require consent.

The CAC application relates solely to the removal of the workshop buildings and containers along the northern and eastern site boundaries. These buildings are of no architectural value and their removal is not considered to be harmful to the appearance and character of the Hamilton Road Conservation Area. CAC should not be opposed subject to condition.

#### Sustainability

As a mainly refurbishment project, the scheme is inherently more sustainable than a new build. However there are clear limitations imposed by the retention of the existing industrial buildings on their energy performance. Nonetheless, the applicants have incorporated sustainable construction principles into the design and achieved a very creditable Ecohomes 'excellent' rating for the new build and a 'very good' rating for the conversion.

Carbon emissions are stated by the architect to be offset by 10% through the use of a solar thermal system but no supportive data is provided to support this claim. Furthermore, this is below the 20% carbon reduction target set in SPD. The submission also lacks an energy statement preventing the proposed renewable energy for the site from being properly assessed.

The parking and new access roads would have a permeable surface aiding sustainable drainage.

Conditions will be attached requiring the submission and approval of the appropriate post-construction certification.

#### Planning Obligation Strategy

The proposed development is eligible for consideration against the Council's Planning Obligation Strategy. To comply with this adopted Supplementary Planning Document the applicant is required to provide the following financial contributions:

Transport:	£70, 652.00
Public Realm:	£21, 216.40
Health:	£ 5,377.26

Education: £17,808.00 (Primary £10,409 Secondary £7,399)  
Monitoring: £5,752.68

The total contribution of £120,806.34 has not been agreed to by the applicant and reference is made to the GLA Three Dragons Financial assessment accompanying the application. The Toolkit indicates that there is very little capacity to provide contributions towards related infrastructure but includes the following contributions:

£15,000 – Education,  
£25,000 - Public Realm  
£5,000 - Health

which are broadly in line with the payments required for those 3 sections.

As regard the transport contribution, at appeal the Inspector concluded that a development of 31 dwellings would have some impact on existing services and journeys to work units and hence it was not unreasonable to expect a contribution of some level from the development. However, he considered that the additional cost of providing the turning head at an adoptable standard should be taken into account when calculating that contribution. In relation to this application, no evidence has been submitted by the applicants to demonstrate that the expected construction costs of the turning head, at a time of falling tender prices, would still equate to the £85,000 figure quoted at appeal although it is unclear whether the Inspector accepted this as an accurate estimate. The applicants have equally not identified whether the construction costs of the turning head are now to be at an adoptable standard, the Council only requiring rights of way over the land, and whether they are now included within the costs of development as set out in financial appraisal. Nonetheless, the financial appraisal indicates that no further value can be extracted from the scheme towards planning obligation strategy (POS) contributions above £45,000. Had this matter been able to be decided at a local level, it would have been considered an appropriate way forward for the outstanding POS transport contribution to have been the subject of the S106 agreement's clause on open book accounting and at the time of construction, the transport contribution to be offered to the Council to have been the difference between the £70,000 required and the actual extra cost of providing the turning head at an adoptable standard (if necessary) at the time of building.

At this stage, it is therefore concluded that the offer towards the POS is significantly deficient in terms of the transport contribution.

#### Flooding and Drainage

The site lies within flood zone 1 and the Flood Risk Assessment advises that the development is considered appropriate according to PPS25. The Environment Agency has advised that the Flood Risk Assessment is satisfactory and subject to the imposition of conditions, no objections are raised to the development.

The development will replace the existing concrete and gravel hardstanding by porous/permeable hard surfacing, required by condition, thereby reducing surface water run-off compared with the existing.

#### Land Contamination

A geotechnical report of the site shows that some limited remediation work will be necessary prior to construction. The Council's scientific officer has reviewed the report and recommends that further site investigation and decontamination work can be treated by way of a condition.

### Trees

The only tree to be removed as part of the development is a self sown Sycamore to the north east of the site. No objection is raised to its removal.

Tree planting condition would be attached if scheme otherwise acceptable. It is noted from the proposed site plan that there may be shading issues from the proposed tree planting and therefore the applicant is recommended to revise this aspect in any future submission to show greater separation between the trees on the north west boundary.

### Wildlife and Nature Conservation

The site is not a designated site of local nature importance or afforded any special protection in terms of wildlife habitat legislation. A bat survey has not been undertaken on the buildings and as the buildings on site have been assessed as having the potential to provide roosting sites for bats, a bat survey must be undertaken on them prior to demolition/refurbishment. Had the application been otherwise acceptable a survey would have been required either prior to determination or via condition.

It is however noted that bats are European Protected Species under the Wildlife and Countryside Act 1991 (as amended) and the Natural Habitats Regulations 1994 and therefore any works effecting roosts, habitats and foraging areas will need to first be approved by DEFRA.

Subject to the applicant adopting the recommendations contained within the BREEAM Ecological Assessment prepared by Middlemarch Environmental Ltd it is considered that the proposal would enhance the ecological value of the site. These recommendations include the planting of 11 native trees, a native/wildlife friendly hedge along the northern boundary and the installation of bird, bat, lady bird and lacewing boxes on site plus a bird table in the wildlife corridor.

**RECOMMENDATION: Had an appeal against the non determination of the application within the statutory period not been lodged, the application would have been recommended for REFUSAL for the following reasons: (Planning Application ref: 08/2870)**

### **Affordable Housing**

The development proposes a high proportion of market housing and does not provide a sufficient level of appropriate affordable housing in terms of numbers and tenure mix to compensate adequately for the substantial loss of employment floor space. The proposal is prejudicial to meeting the Council's affordable housing objectives and would therefore be contrary to policy CP15 of the Core Strategy, policies BLT 13 and EMP 4 of the Richmond upon Thames Unitary Development Plan First Review 2005, policy 3A.9, 3A.10 and 3A.11 of the London Plan and adopted Supplementary Planning Guidance: 'Affordable Housing'.

### **POS Contribution**

Without a binding obligation to provide an appropriate contribution towards education, health, public realm and open space, playing pitches and transport facilities within the borough, including the provision of a new turning head for public adoption and use, the proposal would place an unreasonable demand on existing local facilities and would be contrary to the principles of sustainable development. The proposal is therefore contrary to policy CP16 of the Core Strategy, policies BLT 13, HSG19 and TRN2 of the adopted Richmond upon Thames Unitary Development

Plan: First Review 2005, policy 3A.26 of the London Plan and adopted Supplementary Planning Guidance: Planning Obligation Strategy.

### **Sustainable Travel**

Without a binding obligation to provide car club membership for all units and future exemption from car parking permit eligibility, the proposal is considered to be contrary to policy CP5 of the Core Strategy, policies BLT 13, TRN 2 and TRN 4 of the adopted Richmond upon Thames Unitary Development Plan: First Review 2005, policy 3C.3 of the London Plan and adopted Supplementary Planning Document: Car Club Strategy.

### **Renewable Energy**

The proposal would fail to meet the Council's target for CO2 emission reductions in new development via the use of renewable technologies and is hence considered to be contrary to policies CP1 and CP2 of the Core Strategy, policies BLT 11 and BLT 13 of the Richmond upon Thames Unitary Development Plan: First Review 2005, policies 4A.1, 4A.3, 4A.4 and 4A.7 of the London Plan and adopted Supplementary Planning Document: Sustainable Construction Checklist.

**RECOMMENDATION: Had an appeal against the non –determination of the application not been lodged, the application would have been recommended for approval subject to conditions (Conservation Area Consent ref: 08/3000)**

#### 1. Commencement of works - CAC

The works to which this Conservation Area Consent relates must be begun before the expiration of three years beginning with the date of this consent.

REASON: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### 2. Retention buildings devt commences

Demolition of any of the existing buildings shall not proceed until the following steps have been taken:-

- i. A contract has been made for the implementation of any development or part thereof for which planning permission has been granted but such demolition shall only be that which is necessary for the performance of the contract as may be agreed in writing; and
- ii. The submission and approval of all relevant details required under any such planning permission.

REASON: The Local Planning Authority wish to ensure that no demolition takes place other than that required to implement part or whole of any development for which there shall be a firm commitment and to prevent the creation of unsightly gaps in the street scene which lies within a Conservation Area.