

Sub-issue 3: If it is determined that the Pool Building does make a clear-cut positive contribution, have the Council satisfied the 'broad criteria' in paras. 3.16-3.19 of PPG15 relating to (i) the condition of the Pool Building, (ii) the adequacy of efforts to keep it in use, and (iii) the merits of alternative proposals for the Application Site?

92. The Pool Building does not make a positive contribution to the character or appearance of the conservation area. Consequently, the only remaining consideration under paragraph 4.27 of PPG15 should be whether there are detailed and acceptable proposals for its redevelopment. The call-in proposals are both detailed and acceptable but, for the sake of completeness, the broad criteria set out in paragraphs 3.16 - 3.19 of PPG15 (referred to in paragraph 4.27 of PPG15) have been considered.
93. The condition of the Pool Building is set out (Document 6 McKeivitt Appendix 3) and agreed in the Statement of Common Ground (Document 4). Overall, the Twickenham Pool Site is in a poor condition. Although the Pool Building appears to be structurally stable the roofs, services and interior finishes of the main building all require replacement and there are doubts as to the feasibility of retaining various items of cladding to the front elevation. Further, extensive unplanned tree growth has caused a weakening of perimeter retaining walls and damage to drainage and service runs.
94. There is no statutory or regulatory requirement to provide additional swimming facilities within the Twickenham area. The 1991 Inspector (Document 5 CD10) noted that there was no argument for returning the pool to its original use and little prospect of it happening.
95. Dearle & Henderson commissioned a specialist consultancy firm (Splash International Limited) to consider the likely cost of reinstating a swimming pool. Their report (Document 6 McKeivitt Appendix 3) concluded that due to the level of dilapidation, the most cost-effective approach to reinstatement would be to install a new pool and associated plant. This was estimated at £400,000. However, this would address only those works essential to reinstate the pool itself. Dearle & Henderson undertook more detailed costings to establish the level of additional expenditure likely to be required to reinstate the buildings and the remaining site to their original uses. This identifies a total requirement of £2,580,000 (Document 6 McKeivitt Annexe 1 to Appendix 4).
96. On the potential for reinstatement and alternative use of the Pool Building, Donaldsons' report (Document 6 McKeivitt Appendix 4) appraises the feasibility and viability of reinstatement and development for alternative commercial uses, retaining the Pool Building, concluding that none would be viable. It is also relevant in this regard that a number of developers have over the last 20 years either expressed interest in or been involved in schemes for the redevelopment of the Twickenham Pool Site (Document 5 CD19). Not one has ever expressed an interest in retaining the Pool Building.
97. The TRTG scheme can be excluded from consideration because it is not viable and, in reality, does not retain sufficient of the Pool Building to make it relevant to an assessment of the broad criteria in paragraphs 3.16 to 3.19 of PPG15.
98. Mr Wren's alternative scheme, (Document 7 Wren Appendix A12.7) using land owned by Dawnay Day, misunderstands the concept of 'enabling'. It mirrors a scheme recently presented to the FRUDP Inquiry. The FRUDP Inspector concluded 'Given the apparently stable and successful nature of the business on the south side of King Street, the heart of Twickenham's shopping centre.... there is no justifiable reason to widen the boundary of the proposal area as that would be likely to render its implementation excessively costly to the point of not being viable' (Document 11 ID2). The scheme ignores the high costs for Dawnay Day of removing value generating activities from its land. In this context there is no incentive whatsoever for Dawnay Day to pursue this approach.

99. Little weight can be attached to the evidence of Mr Sarhage. He has no experience of development in the UK or understanding of conservation practice or details of any scheme beyond that sketched out in his letters (Document 8). On the one hand he suggests no primary financial interest but on the other invites the Council to transfer the Twickenham Pool Site to him at zero value in order that he can make a 17% plus profit. Mr Sarhage had not considered how Section 123 of the Local Government Act 1972 might impact on this.
100. In summary, even if it is relevant to look at paragraphs 3.16 to 3.19 of PPG15, the criteria still point to the demolition of the Pool Building.
101. Overall, on the first point identified by the First Secretary of State, the proposals are fully compliant with PPG15. The Pool Building does not make a positive contribution to the character and appearance of the conservation area. The short-term proposals would preserve or enhance the character or appearance of the conservation area. Further, nothing in PPG15 means that demolition cannot or should not be permitted in the absence of acceptable and detailed proposals for redevelopment of the entirety of the site.

Whether the proposed development would prejudice proposals for the redevelopment of the former swimming pool site as a whole

102. The proposals are intended as a short term scheme pending the comprehensive redevelopment of the whole site. The Council fully intends to redevelop the Twickenham Pool Site in the longer term, has set out a timetable for redevelopment and has allocated resources to the process. The short-term scheme is limited in scope and there will be no difficulty with its removal when redevelopment commences.
103. The T1 Proposal does not, either in the UDP or the FRUDP, propose or rely upon the retention of the Pool Building. On the contrary, demolition of the Pool Building is necessary to facilitate the redevelopment of the site. The demolition of the Pool Building at this time actually aids the longer-term redevelopment of the site by achieving the necessary first step in the redevelopment process.
104. The 1991 Inspector (Document 5 CD10) said 'I see no prospect of re-use of the baths or benefit in the retention of the building'. Further that same Inspector indicated that 'it might be better to take a long-term view, making temporary steps for temporary uses which do not preclude a satisfactory use in a satisfactory form of development at some future time'. Short-term proposals for the site are entirely consistent with the step-by-step approach advocated. The FRUDP Inspector in his recent report said 'I conclude that the building should not be retained in any scheme' (Document 11 ID2).
105. The Council commissioned Donaldsons to appraise the feasibility and commercial viability of reinstatement of the Pool Building for various alternative uses (Document 6 McKevitt Appendix 4). One of the conclusions reached was that 'retention of the Pool Building would represent a very serious constraint on the future development potential of the site'.
106. The various amenity groups that make up TSG consider that the 'best use of the site will ultimately involve demolition of the existing buildings and sees no reason why the process of demolition should not start now' (Document 10 TSG PoE para. 1.3).
107. The elements of and timetable for determining and implementing a long-term scheme for the Twickenham Pool Site have been set out in detail (Document 6 Table 1 McKevitt PoE). This process includes the completion of the Twickenham Challenge process, the Council's consideration of the UDP Inspector's report and modifications to T1, and the adoption of a planning brief for the site. It is a process that, realistically, will take at least 5 years.

108. Demolition of the Pool Building would be prejudicial to proposals which seek to reuse the building. The TRTG scheme was considered twice (Document 5 CD19 and CD21) and it was concluded that the proposals carried too high levels of risk. Mr Wren's proposals for using the Pool Building for public, community or river related uses are entirely speculative.
109. It may not be possible to achieve a long-term scheme within a reasonable period and the call-in proposals might become, by default, a longer term scheme. However, a plan is in place to achieve long term objectives and resources have been committed. There is strong interest from developers and confidence that objectives will be achieved. The probability of failure to secure a long-term scheme is low since the risks will be identified and managed.
110. The risk that it might not be possible to achieve a long-term scheme within 5 years, or at all, exists, but would exist irrespective of whether or not the short-term proposals were implemented.
111. There is a concern that public opinion might be a later factor for the retention of the short-term proposals. However, this is not, in reality, an impediment. It has been made clear that any long term scheme will include public open space.
112. The short-term proposal would be funded from the Council's capital programme and maintenance costs will be funded from the Council's revenue budget. It will not affect the level of 'enabling' development in the long-term scheme.
113. The implementation of the short-term proposals may create a legitimate public expectation of rights of way, use or access to the site that may prejudice a long-term scheme. However, the proposals have consistently been identified as short-term. There is a strategy to avoid the creation of permanent public rights of way or the establishment of Village Green rights so as to ensure that the short-term proposals would not prejudice the implementation of a wider redevelopment of the whole site, however long that takes.
114. The call-in proposals would not, therefore, prejudice proposals for the subsequent long term redevelopment of the Twickenham Swimming Pool Site as a whole.

The relationship of the proposed development to policies in the UDP and those in the FRUDP

115. The Pool Building does not make a positive contribution to the character or appearance of the conservation area and its demolition would not be detrimental to the area. The short term proposals will preserve or enhance the character and appearance of the conservation area. As such the proposals comply with UDP Policy ENV10 and FRUDP Policy BLT2.
116. The short term proposals provide for public open space on a site that, at present, provides none. This will enhance The Embankment as an existing and important area of open space close to Twickenham town centre that benefits from a riverside setting. Accordingly there is compliance with UDP Policy ENV5 and FRUDP Policy ENV11.
117. In terms of the riverside location, the proposals comply with UDP Policy RIV1 in that they improve the environment and character of the river and propose uses appropriate to a riverside location and UDP Policy RIV3 and FRUDP Policy ENV27 in that they increase public access to the riverside. The requirements of UDP Policy RIV4 and FRUDP Policy ENV28 are satisfied in that the proposals encourage the recreational use of the River Thames and the riverside by both providing new facilities and extensions to existing ones. In terms of UDP Policy RIV8, the use of the site for open space is clearly related to the river as an extension to its recreational use and value. The extension and improvement of facilities in this location would increase public enjoyment of this part of the riverside, not least because the Twickenham Pool Site has no beneficial use at present.

118. Given the Council's stance on the improvement the proposals would bring to the conservation area it follows that the proposals would also improve the 'Area of Special Character', in line with UDP Policy ENV1 and FRUDP Policy ENV26 and UDP Policy ENV33 and the equivalent FRUDP Policy BLT26.
119. Proposal T1, both in the UDP and the FRUDP, envisages the comprehensive redevelopment of the whole site. Nonetheless, the short-term proposals accord with some of its main objectives. The reasoned justification for Proposal T1 directs emphasis towards the river and the short-term proposals accord with this requirement. The short-term proposals would provide leisure activities for the community. While this is limited, by necessity, to a children's play area and seating, these facilities accord with the objective of Proposal T1 by bringing the site into beneficial community use. The other prime objective of Proposal T1 is to provide increased opportunities to enjoy the riverside. By providing additional facilities close to the river, the proposals would achieve this aim. Furthermore the most important aspect of Modification D/T1/2 was to introduce expressly into T1 the possibility of a scheme of temporary uses for the Twickenham Pool site.
120. In summary, the call-in proposals are fully in accordance with the relevant Development Plan and emerging Development Plan policies, as well as regional policy.
121. In concluding overall, granting planning permission and conservation area consent for the short-term scheme would have four principal benefits:
- 1) The removal of a building that is almost universally accepted as a negative influence on the character and appearance of the conservation area and the riverside.
 - 2) The provision of a carefully designed area of landscaped open space that provides environmental benefits, enhancing (or at the very least preserving) the character and appearance of the conservation area.
 - 3) Bringing the most prominent parts of the Twickenham Pool Site into beneficial use, providing public open space and a playground on a site that has been disused for many years, in a way that increases the enjoyment of the riverside.
 - 4) Ending years of blight and beginning the step by step process of redevelopment of the whole of the Twickenham Pool Site.
122. This is a scheme that, albeit temporary, does nothing but provide public benefits. The proposals are in compliance with all relevant local, regional and national planning policies. Furthermore, the proposals achieve these benefits without prejudicing any long-term plans.

The Case for the Twickenham Society Group (TSG)

123. The main points are that TSG, representing amenity societies and community groups from all parts of Twickenham, supports the Council's scheme because it believes that demolition of the pool building is a recognisable and positive first step towards enhancement of the site. The Council's assertion that the building has not been allowed to become derelict deliberately is correct but the people of Twickenham are thoroughly fed up with the lack of action in relation to the site.
124. There are reservations, including the issues raised in the proposed conditions (Document 11 ID7) and the scale, quality and details of the design. These are presented constructively and the community will retain its interest and scrutiny and will repeat its support for public open space, public amenities and river related activity, bearing in mind what has been said about the requirement for enabling development. TSG's aims, to fight blight, to be constructive, to demand quality and to consider the implications for the short, medium and long-term, will continue.

Other Representations in Support

125. **Mr I Tyson** addressed the Inquiry in support of the proposals on the basis that constructive use of the site would remove the air of neglect and dereliction that attracts vagrants and associated anti-social behaviour. The support was qualified on the basis that whatever comes forward, it must be supported by more effective policing. (Document 11 ID4). **Ms F Hammerton** noted that this problem has been present for many years.
126. **Ms E Warboys**, Twickenham Town Centre Manager submitted a letter dated 5 February 2004 (Document 3). It confirms that The Twickenham Town Centre Management Board supports the proposals and believes they would be a great benefit to the local community. The Board requests that favourable decisions are made as soon as possible so that work can begin on clearing an area that is not only an eyesore but a contributor to the town's problems with anti-social behaviour.
127. **Ms N Hanafi**, a student at Richmond-upon-Thames College, supports the position of TSG but suggests that the open area should include a skate-park, there being little or nothing to occupy young people in the area (Document 11 ID21).

Conditions

128. Draft lists of conditions were submitted by the Council and TSG (Document 11 ID7).
129. In terms of the application for conservation area consent, a commencement condition is necessary. Condition 2, as suggested by the Council, is of concern. Its purpose is to ensure a relatively seamless progression between demolition and replacement. That complies with advice in PPG15 and Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
130. However, the Council's suggestion is lacking in two respects. First of all, the reference to 'any development or part thereof for which planning permission has been granted' is not site or scheme specific. As a consequence, demolition could take place so long as a Contract had been made for any development, anywhere, with the benefit of planning permission. That is clearly unacceptable. Secondly, even if the condition was amended to make it site and scheme specific the reference to 'or part thereof' would allow demolition to take place even if a Contract had been made for some insignificant element of the overall scheme. Again, that must be unacceptable. Condition 2 would need to be amended to refer to the implementation of the scheme granted planning permission or any other planning permission granted in respect of the site, requiring the demolition of the subject building.
131. As the scheme is of a short-term the Council suggests, first of all, a five year temporary planning permission. That is clearly necessary though I have amended the wording to accord better with Model Condition 41 from Circular 11/95. Suggested Condition 2 requires submission of samples for all hard surfacing and new walls. Such a condition would be necessary given the sensitive nature of the site, in a conservation area. Again, the wording should be amended to accord with Model Condition 64 from the Circular. Suggested Condition 3 requires details to be submitted of any buttressing that might be required to the retaining wall. This is necessary in order to ensure the modified appearance of the wall sits comfortably within its context. Again I have modified the suggested wording to accord with Model Condition 64 of the Circular.
132. Suggested Conditions 4 and 5 require the submission of details of hard and soft landscaping, its implementation and maintenance. These are broadly acceptable though again, I suggest minor changes to better accord with advice in Circular 11/95.

133. TSG suggest that Condition 4 includes a reference to signage. In response, the Council point out that any signs would be permitted development under the Town and Country Planning (General Permitted Development) Order 1995. If this condition was included any further signs from those approved in the original scheme would require a separate grant of planning permission. The Circular advises that permitted development rights should only be removed in exceptional circumstances. I do not regard the circumstances as exceptional and, therefore, do not propose the inclusion of a reference to signage.
134. Draft Condition 6 relates to the protection of existing trees within the site in the course of works. This is a necessary precaution but I have amended the condition suggested to include a reference to British Standard 5837.
135. Draft Condition 7 seeks to ensure that walls within the site are stabilised in the interests of public safety and the conservation area. It is necessary but I suggest minor amendments to that put forward.
136. The TSG submission on conditions is focussed on two main aspects. The first relates to the level of public consultation on the conditions. The Council operate a system where the submission of details, as required by a condition, is treated as a separate planning application and consulted upon. Moreover, because the conditions would be submitted in the name of the Council itself, Officers have no delegated authority to deal with them and discharge can only come from Members. This seems to me sufficiently transparent as a process to obviate the need for any direct reference to the level of consultation.
137. The second main strand relates to the management of the works and the public space. The Council operates a 'Considerate Contractor' scheme. As the works would be undertaken by a Contractor, on behalf of the Council, it is reasonable to expect the Contract to relate to this scheme and to ensure that the works are carried out in a way that does not unduly disturb local residents and businesses and the free passage of emergency, road and pedestrian traffic. Conditions, that the Council would police, would merely replicate this process and would be unnecessary. Conditions that would limit the use of the public space would be unenforceable because the remedy for any unauthorised use would be for the Council to serve a breach of condition notice on itself. This is a matter best left to normal law enforcement. TSG have also referred to conditions on archaeology. These are unnecessary because the works do not go significantly further underground than the existing building. For the same reason, there is no need for a condition to address potential contamination of the land.
138. References, in conditions, to public conveniences and a café that may or may not come forward at a future date, would not accord with the Circular because they do not relate to the development to be permitted. As with the comments on signage there is no exceptional circumstance I can envisage to justify withholding permitted development rights conferred by the Town and Country (General Permitted Development) Order 1995 for the erection of walls and fences. A condition is suggested to cover re-use and salvage of materials to be removed. Given the stipulation of UDP Policy STG2 this is a valid point but one I would expect to be addressed in the terms of the building Contract.
139. TRTG have also suggested conditions (Document 9 Streaman Summary Proof). However, these relate to matters that concern the long-term solution for the whole site and are, therefore, outside the scope of the short-term proposals.
140. A list of my suggested conditions, in the event that conservation area consent and planning permission are granted, is attached as Annex 1 to this report.

Conclusions

141. Before analysing the issues upon which the First Secretary of State particularly wished to be informed for the purpose of his consideration of the application, it is necessary to deal with the question of whether conservation area consent is required in the light of the House of Lords judgement in *Shimizu (UK) Ltd v Westminster City Council*, advice in Circular 01/01 and PPG15.
142. While it leaves other buildings on the wider site intact, the proposal involves the total destruction of the existing Pool Building, a distinct entity in itself, save for a retaining wall at ground floor level. Advice in Appendix D to Circular 01/01 is that in order for works to be defined as demolition, total or substantial destruction of the building concerned must be involved. The level of removal proposed is more than sufficient to qualify as 'substantial'. Conservation area consent is therefore required [64-66].
143. In dealing with the matters on which the Secretary of State particularly wished to be informed, it is more logical to deal with the conservation area issue first, followed by the impact on the long-term development of the site as a whole. The conclusions on these issues flow into the Policy aspects that I deal with last of all.

The relationship of the proposal to government policy advice in PPG15 and in particular whether the proposal would preserve or enhance the character or appearance of the conservation area and whether demolition should be permitted in the absence of acceptable and detailed proposals for redevelopment of the site as a whole.

144. The first point to be addressed in this process is the contribution of the existing building to the character and appearance of the conservation area. There is a divergence of opinion on the merits of the building. The Council presents evidence that the building is negative in its effect on the character and appearance of the conservation area [72-86]. Mr Wren, and others, present the opposite view [45-47] [58-59]. Criticisms concentrate on whether the building has any particular architectural or historic interest, its scale and its dereliction.
145. The building has been labelled 'Art Deco' [6]. The fenestration, particularly the windows on the central element with 'zig-zag' transoms, the parapet brickwork, the banded base, the railings and the axial plan form are all redolent of this architectural style. However, these features are, as the English Heritage listing report (Document 5 CD18) points out, 'skin deep' in that they are applied, as a stylistic convention, to what is a very simple building. As 'Farewell my Lido' (Document 11 ID9) points out, lidos, and the motivation behind their provision, are sociologically interesting.
146. Paragraph 6.12 of PPG15 notes that the approach to listing 20th Century buildings is to identify key exemplars of a building type. The Tinside Lido at Plymouth (Document 11 ID10) falls into this classification and is duly included on the Statutory List. Although it shares some features, the Twickenham Pool building is not, in the view of English Heritage, of comparable interest. On the basis of the evidence before the Inquiry I agree with that assessment but it does not necessarily follow that the building must be a negative influence on the character and appearance of the conservation area as a result. Having said that, there is nothing in its architecture or history that can be said to contribute positively.
147. The building is greater in scale than the more domestic pattern of development to the north-east of the site [11]. Its symmetry, and its massing, particularly the strong statement of its central feature, tend to exaggerate the disparity. However, the urban grain to the north-east of the site is not uniform, but is interspersed with larger buildings (Document 6 Edis Appendix 12), for example the Church of St Mary, listed Grade II* (Document 11 ID15) [11]. Despite its scale, the Church is a positive influence on the conservation area.

148. Also, to the south-west of the site is Thames Eyot, a residential block even larger in scale than the Pool Building. It too exhibits 'Art Deco' detailing, particularly in its service towers, and is designated by the Council as a 'Building of Townscape Merit', based on a range of criteria (Document 11 ID19) [11]. Its scale is softened by generous grounds and the degree of separation from the smaller buildings to the north-east, but, it remains a significant edifice.
149. In the context of the presence of these larger buildings, the scale of the Pool Building is not harmful to the character or appearance of the conservation area but, on the other hand, there is nothing identifiably positive about it either.
150. The Pool Building has been unused for a significant period. Though structurally sound, (Document 5 McKeivitt Appendix 3) it has been severely vandalised, blighting The Embankment as an open space. The lack of lawful activity in the Pool Building leads to a desolate, intimidating atmosphere [84-85] and it is hardly surprising that the area has become a haunt for anti-social elements. [125].
151. The air of dereliction surrounding the former Pool Building is a major negative influence on the character and appearance of this part of the conservation area but it must be questioned whether it can be correct to judge a building as a negative influence on a conservation area on the basis of dereliction alone. Otherwise, any building owner could secure consent for demolition and redevelopment through neglect. Mr Wren, TRTG and others [43, 45, 57-59] argue that it may be possible, with a return to its original use or a new use, to reverse the effects of dereliction, without the need for demolition.
152. It is important, therefore, to examine whether this is a realistic prospect. Significant investment would be required to facilitate re-use as a lido [95]. The absence of any significant interest in such a re-use suggests that the level of investment required, in relation to the potential income that could be derived, renders the prospect highly unlikely. Other schemes, for example those put forward by TRTG and alternative visions presented by Mr Wren and Mr Saharge have come forward, but the Council doubts their viability [96-99]. No convincing financial evidence was presented to the Inquiry to suggest that the obvious reluctance of the Council to proceed with any of these options is misplaced. On this basis it is correct to conclude that the Pool Building is effectively redundant. The dereliction that flows from redundancy means that it has a harmful effect on the character and appearance of the conservation area.
153. Taking all these points together, it is clear that even if dereliction could be reversed, the Pool Building would make little or no contribution to the character or appearance of the conservation area. In its current derelict state, the Pool Building is a negative influence on the conservation area. Paragraph 4.27 of PPG15 sets out that, in either scenario, whether consent should be granted for demolition rests on the presence, or otherwise, of acceptable and detailed plans for any redevelopment.
154. The optimum solution, in conservation area terms, would be a permanent redevelopment of the whole site, but there are no details or timetable available of how and when this might take place. The Council argues that paragraph 4.27 of PPG15, in its reference to 'acceptable and detailed plans for any redevelopment', places no onus upon them to deal with the site as a whole, nor does it rule out a short-term solution for part of the site [87]. That analysis is, in my view, accurate.
155. The correct approach to the short-term scheme, that includes demolition of the pool building, but covers only part of the overall site, is to determine whether, having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15, it preserves or enhances the character or appearance of the conservation area.

156. The short-term scheme substitutes public open space for the existing pool building, with a children's playground on part of the former pool terrace. The remainder of the overall site, including the former pool and the remainder of its terrace and the buildings to the north-east, would remain relatively untouched. The interior of the site, exposed by the removal of the pool building, would be screened off to The Embankment by a new fence erected on top of the existing retaining wall, currently within the building [39-41]. This would remove much of the sense of dereliction.
157. While the playground may be somewhat introverted, public access to parts of the site would create a riverside destination and more pedestrian activity on The Embankment. This would alleviate, to a degree, the existing sense of desolation. I do not consider that removing the Pool Building would not lead to an unsatisfactory gap site, screened by fencing [48, 52]. While part of the site would remain closed off, the overall sense of space, and the separation of built form from the river, would continue an existing characteristic exhibited by the grounds of Thames Eyot, the public open space to the south-east of the affordable housing on Water Lane, the sculpture park further north-east along the promenade and the gardens of York House [11]. The creation of additional open space would, therefore, respond positively to the riverside context. The detailed design of the buttressing, fences, seating and hard and soft landscaping would be important. However, the necessary high standard of design could be secured through the imposition of suitable conditions [128-140, Annex 1].
158. In summary, although they do not encompass the entirety of the swimming pool site, the short-term proposals, including demolition of the Pool Building, would accord with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 4.27 of PPG15 in that they would enhance the character and appearance of the conservation area.

Whether the proposed development would prejudice proposals for the redevelopment of the former swimming pool site as a whole.

159. The Council intends to pursue, in the long-term, a redevelopment of the whole site. The Council has no intention of including the existing pool building within this redevelopment [102] and the FRUDP Inspector has agreed with this approach (Document 11 ID2).
160. If the open space provided by the short-term scheme remained in place for a significant time, then the public might become attached to it, emotionally and in terms of public rights of access [113]. That may lead to resistance to its loss when any long-term redevelopment nears implementation. However, the Council has been transparent about its intentions and the eventual redevelopment of the whole site should not be prejudiced by a short-term provision of open space that enhances the area in the meantime.
161. Funding of the short-term scheme will need to be recouped and this may affect the level of 'enabling' development in the long-term scheme. However, it was confirmed that the funding necessary for the short-term scheme, and its maintenance, has been allocated in the Council's capital programme and there is no requirement to gain a return [112]. In this context the long-term scheme should not be prejudiced. In any event, an effective ceiling on the eventual level of 'enabling' development will be imposed by the location of the site in a conservation area.
162. Without the Pool Building, the TRTG scheme, Mr Wren's and Mr Saharge's suggestions would not be realisable. However, the viability of all these alternatives is questionable [96-99]. Although the proposal is prejudicial to these plans, this is of little significance given the Council's long-term intentions for the site.

163. If the short-term scheme is implemented on the basis that the substitution of the Pool Building by public open space enhances the character and appearance of the conservation area, this may have implications for the long-term redevelopment of the whole site. The long-term scheme, when it eventually comes forward, will itself have to preserve or enhance the character or appearance of the conservation area. However, this is a matter for the designers of the long-term scheme to address. Rather than prejudice any long-term scheme, the short-term scheme, if implemented, would merely influence its eventual form.
164. I therefore consider that the proposed, short-term development would not prejudice proposals for the redevelopment of the former swimming pool site as a whole.

The relationship of the proposed development to policies in the UDP and the emerging UDP.

165. In my view, the short-term proposals enhance the character and appearance of the conservation area and, as a consequence, there is compliance with UDP Policy ENV10 and FRUDP Policy BLT2 [22]. It must follow that the proposals would accord with UDP Policy ENV1 and FRUDP Policy ENV26 [18-19], UDP Policy ENV33 and the equivalent FRUDP Policy BLT26 [23], and UDP Policy STG2 and FRUDP Policy STG2 [17]. The proposal would provide new public open space. This would enhance The Embankment as an area of open space close to Twickenham town centre that benefits from a riverside setting. As such the short-term proposal would comply with UDP Policy ENV5 and FRUDP Policy ENV11 [21]. The proposals would provide for recreation and increase the level of public access to the riverside. As such the requirements of UDP Policies RIV1 and RIV3 and FRUDP Policy ENV27 [24] are met. The provision of a destination on The Embankment would increase enjoyment and encourage the recreational use of the River Thames in accordance with UDP Policy RIV4 and FRUDP Policy ENV28 and UDP Policy RIV8 [24].
166. UDP Proposal T1 envisages the redevelopment of the entire site [25]. The short-term scheme does not. However, the short-term proposals accord with some of its main objectives, notably the provision of public open space as a beneficial community use, linked to the riverside. In any event, UDP Proposal T1 has been largely overtaken by the equivalent FRUDP Proposal T1 [26]. Modification D/T1/2 introduces the potential for a scheme of temporary uses for the Twickenham Pool site. The FRUDP Inspector has recommended acceptance of the proposed modification (Document 11 ID2). The short-term scheme accords, therefore, with the modified FRUDP Proposal T1.
167. UDP Policy STG3 'Conservation of Resources and Pollution' and FRUDP Policy STG3 (17) seek to conserve energy, resources and materials and to reduce pollution. Objectors argue that this approach weighs against demolition [45-46 60]. If it is accepted that demolition would bring environmental improvements, there is a tension but, in my view, the enhancement of the conservation area carries more weight.
168. Regional Policies in the TLP [28] follow much the same path as those in the UDP and FRUDP. Given that the short-term proposals comply with these policies, they must also comply with Policies 4C.12, 4C.17, 4C.20, 3D.7, 4C.10, 4C.13, 4C.16 and 4C.18 (Document 11 ID18). The short-term proposals also address the concerns of the Thames Landscape Strategy: Hampton to Kew, of June 1994 [29] (Document 5 CD27).
169. The proposals accord, therefore, with the relevant UDP and FRUDP policies, and regional guidance.

Overall Conclusion

170. The proposals would enhance the character and appearance of the conservation area, not prejudice long-term redevelopment of the site and accord with the UDP and the FRUDP.

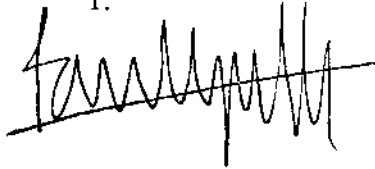
Recommendation

File Ref: V/03/1128907

171.I recommend that conservation area consent is granted, subject to the conditions listed in Annex 1.

File Ref: V/03/1128908

172.I recommend that planning permission is granted, subject to the conditions listed in Annex 1.

A handwritten signature in black ink, appearing to be 'S. M. Smith', written over a horizontal line.

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mr J Maurici of Counsel

Instructed by LB Richmond-upon-Thames

He called:

Dr J Edis BA MA PhD MIFA IHBC
Mr Fearon Brown BA(Hons) Dip Arch RIBA
Mr P Freer BA(Hons) MRTPI
Mr T McKeivitt

CgMs Consulting
Dearle & Henderson
Team Leader (Appeals & Enforcement)
Joint Development Manager PFI/PPP

FOR MR C W WREN

Mr C W Wren DArch RIBA

The Courtyard, Evelyn Road, W4 5JL

gave evidence and called:

Mr A Saharge

15 Cross Deep, Twickenham, TW1 4QJ

FOR THE TWICKENHAM RIVERSIDE TERRACE GROUP (TRTG)

Mr M Stearman RIBA MRTPI
Mr R Chappell CEng FISE
Mr J Perry LLB

85 Mallard Place, TW1 4SW
37 Walpole Road, TW2 5SN
'Palm Beach', Eel Pie Island, TW1 3DY

FOR THE TWICKENHAM SOCIETY GROUP (TSG)

Ms J Lovelace
Mr J Bell
Mr D Plummer AA Dip RIBA
Mr W Double
Ms Y Hewett
Mr A Brand
Mr R Walters

30 Strawberry Hill Close, TW1 4PX
34 Albion Road, TW2 6QJ
28 Abbott Close, TW12 3XR
Hanley Cottage, Eel Pie Island, TW1 3DY
32 Thames Eyot, TW1 4QL
15f Cambridge Park, TW1 2JE
4(b) Wellesley Road, TW2 5RS

INTERESTED PERSONS

Mr H Vie
Mr I Tyson
Ms F Hammerton
Ms N Hanafi

39 Ashburnham Road, TW10 7NJ
'Desdemona', Eel Pie Island, TW1 3DY
Resident of The Embankment
Student, Richmond-upon-Thames College

DOCUMENTS

Document 1	Lists of persons present at the Inquiry
Document 2	Councils notification details
Document 3	Representations on Document 2 (including those put in at the Inquiry)
Document 4	Statement of Common Ground
Document 5	Council's Core Documents (CD1 – CD36)
Document 6	Council's Proofs, Appendices & Closing
Document 7	Mr Wren's Proofs, Appendices & Closing
Document 8	Mr Saharge's correspondence
Document 9	TRTG Proofs, Appendices & Closing
Document 10	TSG Proofs, Appendices & Closing
Document 11	Inquiry Documents
	ID1 Extracts from UDP
	ID2 Inspectors Report on FRUDP T1
	ID3 Digital Images
	ID4 Letter on Vagrants (Tyson)
	ID5 Cross Examination Bundle
	ID6 Call-in Letter (Dawnay Day)
	ID7 Draft Lists of Conditions
	ID8 Mr Wren's letters to Amenity Socs.
	ID9 Extracts from 'Farewell my Lido'
	ID10 List Entry/Photo of 'Tinside Lido'
	ID11 Letter on Public Trust Land (Perry)
	ID12 Press Notice on FRUDP T1
	ID13 Buttreassing Image
	ID14 IHBC Material
	ID15 List Entry Church of St Mary
	ID16 Tampkin FRIBA App.
	ID17 Note re FRUDP
	ID18 Extracts from TLP
	ID19 Criteria for BTMs
	ID20 Donaldson's Letter
	ID21 Ms N Hanafi's Submission
	ID22 Mr Walter's Closing Remarks

PLANS

The Application for Conservation Area Consent (V/03/1128907)

Plan A	Un-numbered	Location Plan
Plan B	R 391/11/B	Site Survey
Plan C	Drawing No.3	Plans
Plan D	Drawing No.4	Elevations & Sections

The Application for Planning Permission (V/03/1128908)

Plan E	C2799/100 revision P5	Layout Plan and Location Plan
Plan F	C2799/101 revision P4	Elevations
Plan G	C2799/102 revision P6	Sections

Annex 1 – Suggested Conditions

Conservation Area Consent - APP/L5810/V/03/1128907 (03/1142/CAC)

- 1) The works hereby authorised shall be begun not later than 5 years from the date of this consent.
- 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the development for which planning permission has been granted under reference 03/1141/FUL or any other planning permission granted in respect of the site, requiring demolition of the subject building, has been made.

Planning Permission - APP/L5810/V/03/1128908 (03/1141/FUL)

- 1) The use hereby permitted shall be discontinued and the works removed, five years from the date of this permission, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 2) No development shall take place until samples of the materials to be used in the construction of the hard surfaces and walls (new and repaired) of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until details of the design and external finish of any buttressing to the retaining wall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include lighting, gates, seats, bins, fencing, plant and tree species, plant and tree sizes, and planting densities. The approved scheme shall be implemented within twelve months of the commencement of the new use.
- 5) Any tree or shrub planted as part of the approved scheme, that within the lifespan of the scheme, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species.
- 6) No development shall take place until a schedule of landscape maintenance covering the lifespan of the scheme, including initial implementation, has been submitted to and approved in writing by the local planning authority. Development and subsequent maintenance shall be carried out as approved.
- 7) Prior to any equipment, machinery or materials being brought on to the site, details of the measures to protect, during demolition and construction, the trees to be retained, including fencing to accord with BS5837, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with that approval. No activities associated with building operations (including storage of materials and temporary structures) shall take place within the areas so protected. No fire shall be lit within 10 metres of the outside of the crown spread of trees to be retained. The protective measures shall be retained in accordance with the approved scheme for the duration of the works.
- 8) Measures to ensure the stability of all walls within the site shall be provided for the duration of the building works in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.