

Applications 03/1141/FOL + 03/1142/CAC,
for demolition of pool building with the
exception of retaining wall at rear ground floor
and the partial clearance to form park and
childrens play area secured by fencing, steps
from lower to upper area, allowed ~~as per~~
by ~~the~~ the Secretary. Reg 2-7-2004



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Creating sustainable communities

Land Changes

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**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 77
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTIONS 12 & 74
APPLICATIONS BY LONDON BOROUGH OF RICHMOND UPON THAMES
LAND AT TWICKENHAM POOL, THE EMBANKMENT, TWICKENHAM, MIDDLESEX**

1. I am instructed by the First Secretary of State to inform you that consideration has been given to the report of the Inspector, Paul Griffiths BSc(Hons) BArch IHBC, who held a public inquiry between 11 and 27 February into your client's applications for:
 - Conservation area consent for the total demolition, with exception of retaining wall at rear ground floor, of the 'pool building' (03/1142/CAC)
 - Planning permission for demolition of 'pool building' (Plant and changing rooms and entrance space) hard and soft landscaping of resultant footprint. Partial clearance of poolside lido to form park and childrens play area secured by fencing. Steps from lower to upper area. Short term scheme pending future redevelopment envisaged 5 year duration. (03/1141/FUL)
2. The Inspector, whose conclusions are reproduced as an annex to this letter, recommended that conservation area consent and planning permission should be granted. All paragraph references in this letter are to the Inspector's report unless otherwise stated. For the reasons given below the Secretary of State agrees with the Inspector's recommendation.

Procedural Matters

3. The Secretary of State notes the minor revisions to the original application drawings referred to in IR4 and agrees with the Inspector that no party has been prejudiced by these revisions. The Secretary of State has determined these applications on the basis of the amended drawings.
4. The Secretary of State notes that the Inspector's report into the modifications to the deposit draft First Review Richmond-upon-Thames Unitary Development Plan has been published since the end of the inquiry. The Secretary of State considers that the

Inspector's report raised no new issues that would require him to refer back to the parties for further representations.

Policy Considerations

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 requires that in coming to a decision on conservation area consent special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In considering proposals to carry out demolition in a conservation area, the Secretary of State is also required to have regard to section 74 of the Act and the advice in Planning Policy Guidance Note 15: Planning and the Historic Environment.
6. Section 54A of the Town and Country Planning Act 1990 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Richmond-upon-Thames Unitary Development Plan (UDP), adopted in October 1996. The Secretary of State places significant weight on the emerging First Review Richmond-upon-Thames Unitary Development Plan (FRUDP) due to its progress towards adoption.
7. Key material considerations which the Secretary of State has taken into account include Planning Policy Guidance note 1: General Policy and Principles (PPG1); Planning Policy Guidance note 15: Planning and the Historic Environment (PPG15); and the Mayor of London's Spatial Development Strategy for Greater London (the London Plan).

Consideration

8. The Secretary of State agrees with the Inspector's conclusion that conservation area consent is required for this development, for the reasons given in IR142.
9. The Secretary of State agrees with the Inspector's conclusion in IR 158 that the proposals subject to these applications would enhance the character and appearance of the conservation area, for the reasons given by the Inspector in IR144 to 157.
10. The Secretary of State agrees with the Inspector's conclusion in IR 164 that the proposed temporary redevelopment would not prejudice proposals for the redevelopment of the former swimming pool site as a whole, for the reasons given by the Inspector in IR 159 to 163.
11. The Secretary of State agrees with the Inspector's conclusion in IR 169 that proposals accord with the relevant UDP and FRUDP policies and the London Plan, for the reasons given by the Inspector in IR 165 to 168.
12. The Secretary of State agrees with the Inspector's conclusions in IR129 to 139 on the conditions that it would be appropriate to attach to any permission, for the reasons given by the Inspector.
13. The Secretary of State concludes that the proposed development would enhance the conservation area and provide valuable public open space without prejudicing the future comprehensive redevelopment of the Twickenham Pool site. With regard to section 54A of the Town and Country Planning Act 1990 he concludes that the proposal is in line with the development plan.

Formal Decision

14. For the reasons given above the Secretary of State agrees with the Inspector's recommendations in IR 171 and 172.
15. The Secretary of State hereby grants conservation area consent for the total demolition, with exception of retaining wall at rear ground floor, of the pool building (03/1142/CAC), subject to the following conditions:
 - 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.
16. The Secretary of State hereby grants planning permission for demolition of 'pool building' (Plant and changing rooms and entrance space) hard and soft landscaping of resultant footprint. Partial clearance of poolside lido to form park and children's play area secured by fencing. Steps from lower to upper area. Short term scheme pending future redevelopment envisaged 5 year duration. (03/1141/FUL), subject to the following conditions:
 - 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.

17. An applicant for any consent, agreement or approval required by a condition of these permissions or for approval of the reserved matters, has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

Right to Challenge and Right to Inspect Documents

18. The circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court and the right to inspect documents are set out in a separate note enclosed with this letter.

Distribution of this letter

19. This letter has been copied to the London Borough of Richmond-upon-Thames, those who appeared at the Inquiry, and those who have made written representations requesting a copy of the Decision Letter.

Yours faithfully,



Frances Blaber
Authorised by the First Secretary of State
to sign in that behalf