

LBR4A

THE LONDON BOROUGH OF RICHMOND UPON THAMES

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 226(1)(a) AND 226(3)(b)
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
ACQUISITION OF LAND ACT 1981**

**THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM RIVERSIDE)
COMPULSORY PURCHASE ORDER 2021
AND
APPLICATION FOR A CERTIFICATE PURSUANT TO SECTION 19 AND SCHEDULE 3
OF ACQUISITION OF LAND ACT 1981**

PROOF OF EVIDENCE ON BEHALF OF THE ACQUIRING AUTHORITY

Planning

DOCUMENT LBR4A

Iyabo Johnson

Associate Director

Savills

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1. INTRODUCTION

- 1.1. This Statement of Evidence has been prepared on behalf of the London Borough of Richmond upon Thames (the 'Council'), the Acquiring Authority, in respect of the proposed compulsory purchase of land under the London Borough of Richmond (Twickenham Riverside) Compulsory Purchase Order 2021 (the 'Order'). As detailed in section 5 of the Statement of Case, the Council's evidence is presented on the basis that the Proposed Modifications are accepted by the Inspector, (the 'Modified Order').
- 1.2. My name is Iyabo Johnson. I am employed by Savills and was instructed as planning advisor to the Council in February 2020 to advise the Council on securing Planning Permission for the Scheme Land which includes the Modified Order Land. As part of my role as planning advisor, I have led pre-application discussions, co-ordinated the preparation and submission of the Planning Application and successfully guided the Planning Application through the application process. I have also been advising the Council with regards to the discharge of planning conditions.
- 1.3. References to **CD[x]** are to documents in the Core Documents.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1. I hold a Bachelor of Science Honours degree in Geography from King's College London and an RTPI (Royal Town Planning Institute) accredited Master of Arts degree in Urban and Regional Planning from the University of Westminster. I am a chartered member of the Royal Town Planning Institute.
- 2.2. I have worked for Savills for three years and I am currently an Associate Director in the Planning Team in the London office. I work on a range of projects including residential and mixed-use developments for a range of private and public sector clients. I am currently advising a Joint Venture between Ballymore Group and Transport for London's property development arm on a 4,000 unit masterplan in Edgware, London Borough of Barnet. In addition, I am advising a private landowner on proposals for a 1,500 units residential led scheme on a key dockside site on the Isle of Dogs, LB Tower Hamlets. I am also advising two key pension funds on office refurbishment projects in the London Boroughs of Camden and Southwark.
- 2.3. Prior to joining Savills, I was employed as Senior Planner in the Urbanism studio at

BDP, a multi-disciplinary practice of designers and engineers with a small in-house town planning team. I started my planning career in local authority as a planning officer in the London Borough of Tower Hamlets.

- 2.4. The evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

3. SCOPE OF EVIDENCE

- 3.1. The Proof of Evidence is made in support of the Modified Order and which has been submitted to the Secretary of State for confirmation.

- 3.2. My evidence addresses the following:-

- 3.2.1. A description of the Scheme Land

- 3.2.2. The grant of Planning Permission

- 3.2.3. The general planning policy framework for the area within which the Scheme will be delivered and how the Scheme complies with planning policy at both local and national level.

- 3.2.4. The significant benefits of the Scheme and its contribution to the achievement of promoting and improving the social, environmental and economic wellbeing of the area.

- 3.2.5. The planning-related objections to the Modified Order.

- 3.2.6. Conclusion

- 3.2.7. Statement of Truth

- 3.3. References to defined terms are to those included in the Statement of Case, unless a footnote has been included confirming that a defined term corresponds to a definition in the glossary to this Proof. A glossary of key terms is provided at Section 11 of my Proof.

4. THE SCHEME LAND

- 4.1. The Scheme Land is located by the River Thames on the northern embankment of Twickenham. The Site sits within the administrative boundary of the London Borough of Richmond upon Thames (LBRuT) and extends approximately 1.34 hectares, consisting

of a mixture of vacant and Derelict Areas¹ (associated with the former public swimming pool), retail and office use (at the northern edge of the Site), a private disused car park, areas of public amenity space and the river. The Diamond Jubilee Gardens (the Gardens) including the Sunshine Café are located centrally within the Scheme Land. The Planning Application redline boundary is shown on Map E with CD number **CD4.3E**.

- 4.2. The Scheme Land is centrally located within the town centre of Twickenham and is bounded by King Street to the north. To the east is Water Lane, characterised predominantly by residential uses with a range of other town centre uses. Wharf Lane lies to the west. A number of blank frontages present at the edges of Wharf Lane, including the retaining wall to the Gardens² on the west side which itself includes a gated entrance. The Gardens are located to the west of the Site and the Embankment and River Thames to the south (with Eel Pie Island further south over the footbridge).
- 4.3. The Scheme Land lies within the Twickenham Riverside Conservation Area (CA); opposite Queens Road CA and within the setting of listed buildings (10-12 King Street and Barclays Bank).
- 4.4. A Grade II Listed Telephone Kiosk is situated at the north-eastern corner of the Scheme Land. The Scheme Land is also within Twickenham and Marble Hill Archaeological Priority Area.
- 4.5. The Scheme Land benefits from good connectivity to public transport. The Public Transport Accessibility Level (PTAL) rating is 5, meaning the Scheme Land is highly accessible to/from public transport. Twickenham Railway Station is approximately 500m to the north. The station is served by National Rail services, providing links to London Waterloo, Reading, Windsor and Eton Riverside.
- 4.6. The Scheme Land is also served by a bus stop at Cross Deep to the west of the Site, providing connections to a number of key locations such as Twickenham Town Centre, Twickenham Train Station, Hammersmith, Heathrow Terminal 5 and Hounslow.
- 4.7. There are currently 81 car parking spaces and 3 cycle parking stands within the Scheme Land.
- 4.8. The Scheme Land is located in Flood Zones 1, 2, 3a and 3b in an area benefiting from

¹ A new definition for “Derelict Areas” is included in the glossary at section 11 of this Proof of Evidence.

² A revised definition for the “Gardens” is included in the glossary at section 11 of this Proof of Evidence.

flood defences. The Scheme Land is also a critical drainage area, an area with less than 25% susceptibility to ground water flooding, an area at risk of surface water flooding and a throughflow catchment area.

- 4.9. Retail units at 1, 1A and 1B King Street are within the Key Shopping Frontage as defined by policy LP26 of the Local Plan. The upper floor of King Street is in office use (Use Class E).
- 4.10. The south eastern corner of the Scheme Land and the River Thames on its southern boundary is Metropolitan Open Land.
- 4.11. The Council's online records indicate there are no known Tree Preservation Orders (TPO) affecting the Scheme Land.
- 4.12. A full description of the Modified Order Land is set out in sections 4 and 5 of the Statement of Case.

5. THE GRANT OF PLANNING PERMISSION

(i) The scope of the Planning Permission

- 5.1. The Council was the applicant for the Scheme.
- 5.2. The Planning Application was submitted on 4th August 2021 and validated on 26 August 2021. During the course of determination and on-going engagement with the planning authority, the following design changes were made to the Planning Application:
 - 5.2.1. Introduction of an additional tree along the Embankment to provide a continuous tree line at the river's edge as recommended by officers
 - 5.2.2. Removal of the proposal to transplant the Native Black Poplar tree due to concerns around suitability
 - 5.2.3. Use of granite setts for the shared surface replacing a tarmac finish proposed in the initial submission
- 5.3. In addition, a number of clarifications and supporting information were provided in response to requests from officers. These included additional architectural and landscape architectural details, responses to queries on flooding and drainage, and a flooding Sequential Test.

5.4. The planning authority undertook three rounds of public consultation, with the last two rounds designed to give the public the opportunity to comment on additional information submitted to the authority during determination. Over the three consultations, a total of 236 representations were made in support of the application and 345 were made in objection. 58 representations made general observations. A comprehensive list of the matters raised in the representations is set out in the Committee Report at paragraphs 7.1 to 7.8 **(CD 3.37)**.

5.5. The Planning Application was considered by the Council's Planning Committee on 24 November 2022.

5.6. At the committee meeting, planning officers presented a summary of the committee report to members. There followed a series of representations from speakers in support of and in objection to the Scheme. Members took the opportunity to question representers and the planning officers ahead of their unanimous vote to grant Planning Permission.

5.7. The Council in its capacity as local planning authority granted planning permission (reference 21/2758/FUL) (the Planning Permission) on 21 December 2022 **(CD3.40)** for:

“Demolition of existing buildings and structures and redevelopment of the site comprising 45 residential units (Use Class C3), ground floor commercial/retail/cafe (Use Class E), public house (Sui Generis), boathouse locker storage, floating pontoon and floating ecosystems with associated landscaping, reprovision of Diamond Jubilee Gardens, alterations to highway layout and parking provision and other relevant works”.

5.8. The Planning Permission grants consent for the erection of two new buildings; the Water Lane building and the Wharf Lane building.

5.9. The Water Lane building is located at the eastern end of the Scheme Land, adjacent to Water Lane. The building is L-shaped where the long element runs the length of Water Lane before returning around the existing service road to the south. The building rises to four storeys with the fourth storey set within a continuous long pitched roof. The building presents a single frontage to King Street at the junction with Water Lane and Church Street and presents a double frontage to the gardens and the river. Retail uses are provided at the ground level (368 sqm within 5 units and a kiosk) and a café

(255 sqm) along the southern elevation. The upper floors accommodate 21 affordable homes.

- 5.10. The Wharf Lane building is located at the western end of the Scheme Land. The building has an oblong shaped mass and has five storeys adjacent to Wharf Lane reducing to four storeys adjacent to the newly formed public open space. A restaurant/public house (444 sqm) is provided at the southern end of the ground floor, with flexible office space at the north end (320 sqm). The building includes a basement accommodating bike storage and plant. The upper floors accommodate 25 private tenure apartments.
- 5.11. A detailed description of the design, configuration and uses proposed within the Water Lane and Wharf Lane buildings is set out in section 8 of Mr Bannister's Proof of Evidence.
- 5.12. The Planning Permission grants consent for new public open space and public realm including the re-provision of the Gardens. The Future Designated Open Space³, (Map C **CD 4.3C**) would provide a new pétanque court and childrens' play space, lawn terraces, a new river promenade and flexible Events Space.
- 5.13. The landscaping incorporates a new flood defence wall which at 7.4m AOD will be greater than the minimum requirement of 6.9m (Thames Estuary 2100 defence level).
- 5.14. The Planning Permission grants consent for a new boat store to the south of the Wharf Lane building and an associated floating pontoon on the river. The Planning Permission also grants consent for new floating ecology baskets attached to the river wall.

(ii) Pre-application engagement

- 5.15. Paragraphs 39 to 46 of the NPPF promote pre-application engagement with local planning authorities and statutory planning consultees. At paragraph 39, the Framework states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It goes on to state that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 5.16. The Council sought to adopt this approach of early and pro-active engagement by

³ There is a revised definition of Future Designated Open Space in the glossary at section 11 of this Proof of Evidence.

engaging the LPA in an extensive programme of pre-application meetings prior to the submission of the Planning Application.

- 5.17. In addition to engaging with officers, the Council also engaged with the Richmond Design Review Panel (DRP) in a two-stage process in April 2021 and June 2021. The panel was supportive of the Scheme and in particular welcomed the landscape design, generous provision of public realm and the activation of the river front. In terms of the architecture, the Panel supported the industrial aesthetic of the Water Lane building and steps taken to ensure activation at the frontages to the Wharf Lane and the proposals for the boat store.
- 5.18. Engagement with the local community has influenced the evolution of the Scheme. In 2019, prior to formal engagement with the planning process, the Council established a Local Stakeholder Reference Group (the Group). The Group was chaired by the Leader of Richmond Council and helped facilitate outreach to local people, businesses, interest groups and other key stakeholders. In addition, a representative from the Group sat on the evaluation panel for the RIBA (Royal Institute of British Architects) Design Competition. Details of the engagement with the Stakeholder Reference Group are set out in section 7 of Mr Bannister's Proof of Evidence (**Document LBR1B**).
- 5.19. Prior to the submission of the Planning Application, the Council coordinated a series of consultation events, a number of which were targeted at more hard to reach demographic groups, in addition to local interest groups. Consultation events were held virtually due to social distancing rules during the Covid-19 pandemic between January 2021 and February 2021.
- 5.20. Following engagement with the Eel Pie Island Association (EPIA) a number of amendments to the design emerging at the time were made. These include refinements to the design of the dedicated service area close to the Embankment, provision of space for larger delivery vehicles, an increase of turning space at the slipway and the removal of the existing parking bays parallel to the footbridge to create more space.
- 5.21. The Twickenham Riverside Trust was also engaged prior to the submission of the Planning Application including at the formulation of the brief for the RIBA design competition. Details of the Council's engagement with the Trust on the design of the Scheme are set out in section 11 of Mr Chadwick's Proof of Evidence (**Document LBR1A**).

- 5.22. The LPA undertook its own statutory consultation on the Planning Application. Consultation was by way of notification letters to local owners and occupiers, site notices posted around the site and an advertisement in a local newspaper. The LPA undertook three rounds of statutory consultation to take account of amendments made to the scheme and additional information provided to the LPA during the course of determination of the Planning Application.
- 5.23. Further detail on the scope and level of engagement/public consultation on the Scheme can be found at:
- 5.23.1. Section 3 of the Statement of Case;
 - 5.23.2. Section 8 of Mr Chadwick's Proof of Evidence; and
 - 5.23.3. Section 7 of Mr Bannister's Proof of Evidence.
- 5.24. The NPPF encourages pre-application engagement with statutory consultees as well as planning authorities. The Planning Application was preceded by an extensive liaison with the Environment Agency (EA). These discussions focused around the mitigation of flood risk, specifically the need to safeguard the integrity of flood defence wall and flood storage on site. Following discussions with the EA, the scheme emerging at the time was amended to reduce the footprint of both the Wharf Lane and Water Lane buildings and provide a flood exclusion zone set back from the river wall to allow for future maintenance of the flood defence. Detailed commentary on the design response to the Environment Agency's requirements is set out in section 7 of Mr Bannister's Proof of Evidence (**Document LBR1B**).

(iii) Absence of planning impediments to the Scheme going ahead

- 5.25. As explained above, the Scheme has full Planning Permission.
- 5.26. The Planning Permission has been granted subject to a number of conditions, including pre-commencement conditions. All the conditions are capable of being satisfied and will not prevent the Scheme from going ahead.
- 5.27. The Scheme is not reliant on the provision of infrastructure outside of the redline and conditions (NS16, NS62 and NS63) will secure any remediation works, where site investigations deem these necessary, prior to the first occupation of the Scheme.
- 5.28. I consider therefore, that there is no planning impediment to the implementation of the

Scheme.

6. THE PLANNING FRAMEWORK FOR THE AREA AND THE SCHEME'S COMPLIANCE WITH THAT FRAMEWORK

- 6.1. The Council as acquiring authority is seeking to compulsorily purchase the Order Land under section 226(1)(a) (3) (6) of the 1990 Act and acquire rights under section 13 Local Government (Miscellaneous Provisions) Act 1976.
- 6.2. Section 1 of the Guidance on Compulsory purchase process and The Crichel Down Rules published July 2019 by the Ministry for Housing, Communities & Local Government (the Guidance) indicates that any programme of land assembly will need to be set within a clear strategic framework and that this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). The focus of the Guidance is on compliance with the statutory development plan. A copy of the Guidance is at **CD 4**.
- 6.3. The Guidance at Section 1: "advice on Section 226 of the Town and Country Planning Act 1990", states that the strategic framework will need to be founded on an appropriate evidence base, and to have been made subject to consultation processes (paragraph 104). The same section of the Guidance goes on to state that the planning framework providing the justification for a CPO should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the Scheme.
- 6.4. Paragraph 106 of the Guidance further indicates that the decision about whether to confirm a s.226(1)(a) CPO will be made on its own merits but that the Secretary of State can be expected to consider a series of factors, which include whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.
- 6.5. In this section of my evidence, having already explained that there is no planning impediment to the Scheme, I will explain the strategic framework within which the Planning Permission is set and demonstrate that the Scheme is compliant with the planning framework and the adopted Local Plan for the area.
- 6.6. The Planning Committee Report and the Planning Application documents also

demonstrate that the Scheme complies with the planning framework for the area. Where relevant in the paragraphs that follow, my assessment will refer to relevant aspects of the Planning Committee Report which can be found at **CD 3.37**.

6.7. The planning policy documents currently comprising the Richmond local development plan are:

- The London Plan, December 2021 (**CD 2.2**)
- Richmond Local Plan, July 2018 (**CD 2.4**)
- Twickenham Area Action Plan, July 2013 (the 'TAAP') (**CD 2.5**)

6.8. The Council is currently promoting a new local plan. Consultation on a Regulation 18 'pre-publication' draft of the plan ran between December 2021 and January 2022.

6.9. The Regulation 18 draft local plan retains a site allocation for Twickenham Riverside (Site Allocation 18) with a site proposal for "comprehensive mixed-use re-development of the site to provide residential, a range of commercial uses, high quality public realm and improvements to the riverside and open space." The draft local plan allocation can be found at **CD 2.9**.

6.10. The Planning Committee Report (**CD 3.37**) presents a detailed assessment of the Scheme's compliance with its adopted development plan policies including the TAAP. The report recommended that members granted planning permission for the Scheme as pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the scheme was in general conformity with the Development Plan including.

6.11. This section of the Statement of Case summarises the Scheme's broad compliance with key development plan policies under the following thematic headings:

- Principle of development and land use
- Retention and enhancement of open space
- Design, townscape and heritage
- Amenity
- Sustainability
- Flood risk

- Transport and road safety

6.12. Qualitative commentary on design aspects of the scheme are set out in Mr Bannister's Proof of Evidence (**Document LBR2A**).

Principle of development and land use

- 6.13. The Scheme would transform a prime riverside site that has been derelict for four decades since the closure of the public baths in the early 1980s. The Scheme would make best use of a well-connected sustainable site in Twickenham town centre in line with strategic policies in both the London Plan and Local Plan which advocate this approach.
- 6.14. The Scheme would deliver new housing in the context of significant housing need nationally and locally. Adopted policy in both the London Plan and the Local Plan promotes the delivery of housing, particularly in well-connected town centre locations like Twickenham.
- 6.15. London Plan policy GG4 (Delivering the homes Londoners need) states that LPAs must ensure more homes are delivered, in mixed and inclusive communities and that these homes are of a high standard. London Plan Policy H1 (Increasing housing supply) directs boroughs through plan making and decision making to optimise the potential for housing delivery on all suitable and available brownfield sites. The same part of the policy identifies sites within the boundary of a town centre or having good links to public transport as being a particular source of capacity for new housing.
- 6.16. The Scheme Land includes areas of brownfield land, is in a town centre location and benefits from high public transport accessibility (PTAL 5) meaning that the Scheme Land meets the policy criteria for accommodating new housing.
- 6.17. Table 4.1 in the London Plan sets a ten year housing target for Richmond of 4,110 units (2019/20 – 2028/29). This figure is reflected in the emerging new local plan which cites a ten year housing target of 4,110 homes. This scheme makes a contribution towards the delivery of the borough-wide target which itself forms part of a London-wide target noting that the London Plan treats London as a single housing market.
- 6.18. At the local level, Local Plan Policy LP34 (New Housing) outlines the Borough's housing target of 3,150 new homes for the 2015-2025 period, continuing that this target

will be rolled forward until it is revised by London Plan target. Part (B) of the policy indicates that Twickenham can accommodate approximately 1000-1050 new homes.

- 6.19. By virtue of the delivery of 45 new homes, the Scheme would help to address objectively assessed need for new housing in Richmond and would therefore satisfy the ambitions of policy at the local and strategic level.
- 6.20. Further, strategic and local policy seeks the provision of affordable housing as well as market-facing housing. Policy H4 (Delivering affordable housing) of the London Plan sets a strategic target of 50% of all new housing in London being “genuinely affordable”. The policy goes on to set a site by site threshold of 35% affordable housing to qualify for the Mayor’s fast-track route.
- 6.21. At the local level, Local Plan Policy LP36 requires development proposals of 10+ homes to deliver 50% on-site affordable housing. The Council expects that 50% of all housing units would be affordable housing and that the 50% would comprise a tenure mix of 40% of affordable housing for rent and 10% of the affordable housing for intermediate housing. The Scheme will deliver 50% affordable housing (by habitable room) in an 81:19 split in favour of Affordable Rented homes. In the context of Richmond’s housing affordability challenges, the provision of affordable housing is a significant benefit that the Scheme would deliver. Condition NS29 will secure the delivery of the affordable housing prior to the occupation of more than 50% of the market units. In addition, the condition secures nomination rights for the Council for the rented units and income thresholds for the intermediate units.
- 6.22. The tenure mix seeks to meet an identified housing need in the Borough and reduces the number of residents on the Council’s housing list and accords with the Council’s preferred tenure split.
- 6.23. In terms of non-residential land uses, the Scheme includes a mix of retail, office and pub/restaurant and café uses which is compliant with planning policy for this town centre site.
- 6.24. The net provision of new retail uses along Water Lane in a main town centre location would meet the objectives of Local Plan policy LP25, which seeks to protect the viability of the Borough’s town centres as defined in the town centre hierarchy. The proposed office provision which would result in a net uplift on site, meets the objectives of policy LP41 which seeks to retain existing office floorspace and also promote new floorspace

in the Borough's town centres. The provision of the new restaurant/pub and café use would further strengthen the vitality of Twickenham town centre and also deliver the river front activation sought by site specific policy in the TAAP.

- 6.25. The supporting text to Local Plan policy LP25 speaks to the important role main centres (including Twickenham) play, in terms of their provision of shops, services, employment opportunities, housing and community and cultural uses. In view of this, the Scheme's potential contribution to health and vitality of Twickenham town centre must be considered a benefit.

Retention and enhancement of open space.

- 6.26. The Scheme would make enhancements to the Borough's green infrastructure and would also deliver significant enhancements to existing open space thereby meeting the objectives of policies LP12 and LP31 of the Local Plan. LP12 is concerned with green infrastructure and seeks to ensure that all development proposals protect and where opportunities arise enhance, green infrastructure. Policy LP31 is concerned with public open space, children's and young people's play facilities and sport and recreation grounds. The policy requires that new provision of open space and play, sport and recreation facilities are linked to the wider Green Infrastructure network. The policy also requires major development proposals to meet the Public Open Space, play space, playing field and ancillary sport facilities needs arising out of the development.
- 6.27. Paragraphs 8.36 to 8.41 of the Planning Committee Report (**CD 3.37**) address the planning status of the Gardens. Owing to the planning history of the Gardens, the report explains that officers treated the Gardens as public open space for the purposes of assessing the Scheme against LP12 and LP31. These policies seek to prevent the loss of public open space.
- 6.28. The Scheme would result in the loss 1,336sqm of the Existing Designated Open Space⁴ as shown red on Map F, (**CD 4.3F**), however, the Scheme would provide 4,387sqm of Future Designated Open Space, significantly in excess of the Existing Designated Open Space which measures 3,370sqm. In addition, the Scheme would provide 3,107sqm within and above flood zone 1, compared to 2,652sqm of the Existing Designated Open Space which is within and above flood zone 1. This is an increase of 455sqm. Map G (**CD 4.3G**) shows how the flood zones affect the Existing

⁴ There is a revised definition of Existing Designated Open Space in the glossary in section 11 of this Proof of Evidence.

Functioning Open Space⁵ and Map H (**CD 4.3H**) shows how the flood zones affect the Future Functioning Open Space.

- 6.29. Further, when compared to the existing provision within the Gardens, the Scheme would provide significant improvement in terms of equipment and facilities. A detailed comparison of areas within the Existing Functioning Open Space and the Future Functioning Open Space is set out in section 10 of Mr Bannister's evidence. The Scheme would increase the provision of play space and also provide a larger area for pétanque courts, a larger area of lawn in replacement for the existing smaller area of astro-turf and over 400sqm more of event space with better connections to utilities. The betterment in provision is clear. As a result, the Scheme satisfies the exceptions cascade in paragraph 99 of the NPFF which states that existing opening space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location.
- 6.30. In addition to the increased quantum of Future Designated Open Space, the Scheme would also represent an improvement above the Existing Designated Open Space which meets the requirement in LP12 to enhance green infrastructure. The Planning Committee Report (**CD 3.37**) (paragraph 8.42) provides a summary of the ways in which the scheme would enhance the quality of open space on the site. These enhancements include:
- 6.30.1. Increase in open space outside of a floodable area which allows for increased usage by the community
 - 6.30.2. Provision of a connected open space from King Street down to the riverside removing the existing severance caused by the car park and access road on the Embankment
 - 6.30.3. Improving legibility of the Gardens through visual and physical links between King Street, Water Lane and the riverfront
 - 6.30.4. Enhanced functionality of the open space including improved provision for events, alfresco dining, play, pétanque, river activities and seating
 - 6.30.5. Enhanced capacity for programming of the open space to host events such as farmers markets, outdoor cinemas and other temporary leisure uses.

⁵ There is a revised definition for Existing Functioning Open Space in the glossary in section 11 of this Proof of Evidence.

- 6.31. The Scheme proposes extensive new tree planting along the Embankment and Water and Wharf Lanes in addition to areas of structured planting around the Pétanque terrains and adjacent to the service road to the north of the site. A total of 49 new trees would replace those being removed and planning conditions would mitigate the risk of new trees failing by securing details of sustainable soil volumes, the selection of waterlogging resistant species (Condition NS36) and a financial contribution to support tree planting and maintenance in the wider Twickenham ward (Condition NS68).
- 6.32. In addition, with necessary mitigation secured, the Scheme would deliver significant ecological enhancements including green roofs, pollinating planting, creation of opportunities for intertidal and aquatic wildlife through the floating ecology baskets, pontoon and slipway and monitoring and reporting during construction. The Scheme would deliver an overall Biodiversity Net Gain of 19%, far in excess of the 10% benchmark. This is a significant benefit that the Scheme would deliver.
- 6.33. The landscaping and planting strategy would ensure that the Scheme would meet NPPF and Development Plan requirements to:
- 6.33.1. provide net gains for biodiversity (NPPF, paragraph 174(b))
 - 6.33.2. protect and enhance green and open spaces and green features in the built environment (London Plan, policy G1)
 - 6.33.3. contribute to the greening of London by including urban greening (London Plan, policy G5)
 - 6.33.4. incorporate green infrastructure to support sustainable drainage, reduce exposure to air pollution, moderate temperatures and increase biodiversity (London Plan, policy D8)
 - 6.33.5. protect and enhance the integrity of the wider green infrastructure network and incorporate green infrastructure features that make a positive contribution to the wider green infrastructure network (Local Plan, policy LP12)
 - 6.33.6. protect, respect, contribute to and enhance trees and landscapes through protection of existing trees of townscape or amenity value and provision of new trees (Local Plan, policy LP 16)
 - 6.33.7. ensure development meets its needs for public open space and children's play space (Local Plan, policy LP 31)
- 6.34. A copy of the October 2022 Public Realm Strategy is at **CD 4.7**.

- 6.35. Policy D3 in the London Plan promotes the optimisation of site capacity through a design-led approach. Part D of the policy sets out a range design criteria for development proposals under the heads of form and layout, experience and quality and character. Part A of the policy defines the design led approach as requiring consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, and that best delivers the requirements set out in part D of the policy (with reference to policy D2 on infrastructure requirements for sustainable densities).
- 6.36. The Scheme has been developed by a leading architect, appointed by the Council following a Design Competition facilitated by RIBA. The Scheme responds to the RIBA Design Brief to create a riverside destination and a new heart for Twickenham and would deliver the key objectives of the TAAP.
- 6.37. The design evolved through an iterative process, with various options considered to determine the most appropriate form of development for the Scheme as required by policy D3. Engagement with third parties including statutory consultees, the LPA, the Richmond Design Review Panel and local residents and stakeholders influenced the design to ensure a consultative design-led approach that has benefitted from meaningful engagement and collaboration with the community and other key stakeholders. A detailed account of the iterative design process of the Scheme is set out in section 7 of Mr Bannister's Proof of Evidence (**Document LBR2A**).
- 6.38. Policy LP1 states that the Council will require development to be of high architectural and urban design quality. The policy goes on to describe the need to maintain the high quality character and heritage of the borough and then states that development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area. Part A of the policy includes a set of criteria (1-6) the Council will consider when assessing proposals.
- 6.39. The Scheme would meet LP1's requirement for high architectural and urban design quality with respect to the site layout and the design of the Wharf Lane and Water Lane buildings. The Planning Committee Report (**CD 3.37**) sets out a detailed assessment of compliance with LP1 at paragraphs 8.86 to 8.105.

- 6.40. In accordance with policy LP1, the Scheme would successfully relate to its existing context. The Water Lane building would mediate between the urban character of King Street and the riverine character of the Thames to the south. The Wharf Lane building would be situated on the riverbank and would therefore be more fundamentally part of the riverine character of the Thames. The design takes cues from river industry, particularly the boathouses and boatyards on Eel Pie Island. On Water Lane, the proposed increase of height beyond that of the existing building at the north-east corner of the Scheme Land, and the introduction of the pitched roof form, would respond to the established building scale, height and form along King Street. The widening of Water Lane will consolidate the separation distance from the Buildings of Townscape Merit on the eastern side of Water Lane as well as enhancing the vista down to the riverside from King Street. The building proposes a red brick façade to relate to the existing material palette in the town centre, particularly on Church Street.
- 6.41. The landscape and public realm would revitalise a partially derelict town centre site and provide a variety of spaces for different uses and activities with planting designed to frame spaces within the gardens and provide a tree line along the river. Trees would be spaced to allow for vistas to the river from the gardens. In addition, active ground floor uses, leisure and play provision in the gardens and water front activities would help to animate the ground floor plane.
- 6.42. The Scheme satisfies limb 3 of policy LP1 through the Scheme layout which makes the best use of land and would successfully respond to the characteristics of the Scheme Land, its constraints and site specific policy requirements. The Scheme layout places new buildings at the sites edges allowing the open space to become the focal point in a visual axis towards the River Thames. Additionally, the Scheme would widen the vista along Water Lane creating a visual and physical link between King Street and the riverside. The Scheme would also make best use of its riverside setting by creating a multi-functional space along the Embankment, retaining its suitability for river based activities and removing the existing car parking which in the current state blights the setting of the riverfront.
- 6.43. The Scheme satisfies limb 5 of policy LP1 by successfully incorporating inclusive design principles and would promote connectivity, permeability, natural surveillance and orientation. The Scheme Land would be publicly accessible at all times. Active ground floor uses during the day and in the evening would help ensure natural surveillance. Through improvements to the riverfront environment and Water Lane and Wharf Lane, the Scheme would enhance connectivity with the town centre and deliver

legible and accessible routes along desire lines between King Street and the river. The widening of the vista along Water Lane would aid orientation and restore a visual connection between the town centre and the riverside.

- 6.44. In terms of building heights, policy LP2 states that the Council will require new buildings to respect and strengthen the setting of the borough's valued townscapes and landscapes through appropriate building heights. New buildings should generally reflect prevailing heights and where they are taller have to be of high architectural design and quality and also deliver public realm benefits.
- 6.45. The Planning Committee Report at paragraphs 8.91 to 8.97 (**CD 3.37**) sets out an assessment of the Scheme's height and impact on townscape.
- 6.46. Both the Water Lane and Wharf Lane buildings respect and strengthen local townscape by responding to both the scale of buildings along principal thoroughfares such as King Street and the scale of secondary, historic routes such as Church Street. Further detail on the townscape benefits of the Water Lane and Wharf Lane buildings are set out in Mr Bannister's Proof of Evidence. The Scheme would therefore satisfy the requirements of policy LP2.
- 6.47. In terms of designated heritage assets, Policy LP3 requires development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. The policy goes on to state that development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The policy sets a number of means by which the Council will seek to conserve and enhance designated heritage assets. Of most relevance to the Scheme, part B resists substantial demolition in conservation areas that could harm heritage assets and part C requires all proposals in Conservation Areas to preserve and, where possible, enhance the character or the appearance of the Conservation Area.
- 6.48. With regards to the principle of the demolition of buildings in a conservation area the Scheme satisfies part B of the policy. With respect to 1-1C King Street, the Planning Committee Report (**CD 3.37**) notes the bland appearance of this building and its failure to relate to the architectural form and design of the surrounding streetscape. As a result, the officer concludes that demolition would not harm the setting, character and appearance of the Twickenham Riverside Conservation Area.

- 6.49. At paragraph 8.116 of the Planning Committee Report (**CD3.37**), consideration is given to principle of demolishing existing buildings at the southern end of the Scheme Land. It is noted that the public toilets, café and Bath House with the adjoining building would have a neutral impact on the conservation area. The officer notes the former 1930s pool buildings and their historic link to the previous use of the Scheme Land but notes that the TAAP site allocation accepts the reuse or replacement of these buildings.
- 6.50. In terms of the impact of the Scheme on the setting of the heritage assets including Twickenham Riverside Conservation Area, the Queens Road Conservation Area, the grade II listed Barclays Bank at 2 York Street, the grade II listed K6 telephone kiosk and grade II listed buildings at 10-12 King Street, the Scheme would preserve and in some cases enhance the setting of these assets.
- 6.51. Similarly, the Scheme would not result in harm to a number of non-designated heritage assets in and around the Scheme Land. The Scheme thereby satisfies the requirements of policy LP4 which seeks to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including, among other assets, Buildings of Townscape Merit.
- 6.52. In terms of archaeology, conditions (NS19, NS20, NS21) have been imposed securing the written approval of an Archaeological Written Scheme of Investigation before the commencement of any on-site development related activity.
- 6.53. A detailed assessment of the design of the Scheme is set out in section 8 of Mr Bannister's Proof of Evidence (**Document LBR1B**).

Amenity

- 6.54. Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. The policy then sets out ways in which the Council apply the policy by ensuring good standards of daylight and sunlight to new dwellings and those impacted by development, that balconies do not give rise to unacceptable overlooking or disturbance, that proposals are not visually intrusive or overbearing causing a sense of enclosure and that there is no harm to the reasonable enjoyment of buildings, spaces and the wider environment.
- 6.55. The majority of units within the scheme are dual aspect (64%). In view of the layout and footprint of the buildings, the fact that all north facing units have a dual aspect and that all the remaining dwellings have good outlook, the overall proportion of dual aspect

units is considered to meet the objectives of policy LP8. Similarly, owing to daylight/sunlight performance within the new units will ensure a good quality of accommodation for incoming occupiers.

- 6.56. In terms of impacts to neighbouring amenity, the Scheme mitigates alterations to the outlook for existing residents by virtue of the widened public realm along Water Lane which provides a generous separation which will mitigate any sense of enclosure, overbearing impact or a loss of privacy. Similarly, the Scheme has been found to not give rise to any undue impacts on the daylight/sunlight to neighbouring residential occupiers.
- 6.57. In terms of daylight, the assessment identified a small number of properties on Water Lane that will experience minor failures against Building Research Establishment (BRE) guidance in terms of Vertical Sky Component (VSC). However, the transgressions are minor in view of the urban setting of the site (maximum 26% reduction against BRE recommendation of a 20% permissible reduction). In addition, all properties will adhere to the BRE sunlight targets. The Planning Committee Report (**CD 3.37**) at paragraph 8.148 advised that consideration must be given to the town centre location of the application site (where policies encourage the optimisation of such sites), the pattern of development, and recognition of the BRE guidance only provides numerical guidelines and natural lighting is only one of many factors in site layout design.

Sustainability

- 6.58. Local Plan Policy LP22 states that new major residential developments should achieve zero carbon standards in line with London Plan policy. The policy continues that non-residential buildings should achieve a 35% reduction against Part L of the 2013 Building Regulations. The scheme meets the policy requirements by achieving overall on-site reduction of carbon emissions of 54%. Further, the commercial elements achieve BREEAM “Excellent” rating.

Flood risk

- 6.59. A Sequential Test was submitted with the Planning Application as areas of the Scheme fall outside of the TAAP TW7 proposal site boundary (the boathouse, the Embankment and footway and carriage way along Water Lane and Wharf Lane) do not benefit from the exemption from the Sequential Test as set out in Local Plan policy LP21. The Sequential Test concluded that there were no other reasonably available sites in the borough in areas of lower flood risk that could accommodate the Scheme. On that

basis the Sequential Test was passed. Paragraph 8.225 of the Planning Committee Report (**CD 3.37**) explained that the LPA recognised that locating the development elsewhere would fail to deliver on the TW7 regeneration objectives and would miss the opportunity to bring this partially derelict town centre riverside site back into active use, with a scheme that meets the aspirations of the TAAP.

- 6.60. The Scheme has been designed in line with the fluvial 100 year + 35% climate change level and the Thames Estuary 2100 tidal flood level and improves on the current flood storage and rainwater management capacity within the Scheme Land boundary whilst also achieving a strengthening of the connection between the Scheme Land and river. The Scheme would improve the flood mitigation and increase the capacity for rainwater management on the Scheme Land. It would do so by providing areas of soft and hard landscaping which can accommodate flood waters within the flood zone.

Transport and road safety

- 6.61. Local Plan Policy LP44 Part D seeks to ensure new development does not have a severe impact on the operation, safety or accessibility to the local or strategic highway network arising from the development itself or the cumulative effects of development.
- 6.62. By virtue of the reduction in parking along the Embankment, the Scheme meets a specific objective of the TAAP as well as delivering wider policy objectives around the promotion of sustainable modes of transport and provision of high quality pedestrian environments.
- 6.63. The Planning Application considered implications of the Scheme on road safety. As explained in Mr O'Donnell's Proof of Evidence (**Document LBR3A**) Road Safety Audits were undertaken and submitted to the LPA in February 2022 with a response report following in March 2022. In response to concerns raised by Council officers in March 2022, the Applicant submitted an updated transport assessment, updated swept path analyses, and an updated Stage 1 Road Safety Audit in October 2022 (**CD 4.8**). Officers concluded that the highway safety concerns raised had been adequately and proportionately addressed, given that the Scheme will lead to an overall reduction on the number of private vehicle trips on Wharf Lane, Water Lane, and the Embankment
- 6.64. The Planning Committee Report (**CD 3.37**) takes into account the constraints of the Scheme Land and the following list of mitigations and concludes that the cumulative impact of the Scheme on the road network will not be severe:

- Traffic Management Order and Section 278 agreement securing no U-turn signs on King Street (to stop vehicles trying to make a short cut to Wharf Lane) and double yellow lines east of the barriers along the Embankment (Condition NS22)
 - tactile paving (Condition NS22)
 - removal of the vehicular and pedestrian gates in the turning head in the service road (Condition NS106)
 - use of banksmen in the service management plan (Condition NS25)
 - 7.5t weight restriction in Wharf Lane (travelling south) (Condition NS22)
 - Servicing and delivery management plan for the proposed use (to take place outside peak hours where possible) (Condition NS25)
 - The final design to be submitted to TfL for review and comment (Condition NS22)
 - Stage 2 Safety Audit (Condition NS23)
- 6.65. In terms of trip generation, the Planning Committee (**CD 3.37**) report concludes that the level of movement resulting from the Scheme would not adversely impact the highway network. Further, the removal parking bays from the Embankment and the closure to traffic outside of the designated servicing times would result in a reduction in trip generation at the Wharf Lane and Water Lane junctions.
- 6.66. The Scheme is car-free insofar that proposed parking is on street and not allocated to the Scheme. This is in accordance with London Plan policies. However, the Planning Committee Report (**CD 3.37**) does include an assessment of the impact of the loss of parking from the Embankment on wider parking provision within the town centre and in terms of the impact on the vitality of the Twickenham town centre.
- 6.67. To offset the loss of parking from the Scheme site, the Council as highway authority has undertaken a review of the Central Twickenham Controlled Parking Zone (CPZ) and created 28 new spaces. This is in addition to a change in the designation of a further 80 spaces in the CPZ and improvements to existing town centre car parks. Residents and commercial occupiers of the Scheme will be excluded from obtaining parking permits within the CPZ (Condition NS77) meaning that this additional capacity won't be absorbed by demand arising from the Scheme.
- 6.68. In the context of the CPZ review (which sits outside of the planning process), the Planning Committee Report (**CD 3.37**) concludes that the impact of the displacement of parking will be mitigated by provisions secured by Condition NS23.
- 6.69. The London Plan's requirement for 10% parking provision for Blue Badge holders is

met on-street. This arrangement was considered acceptable on balance by the Council given that the Registered Provider is satisfied with this arrangement and that the Council's Housing Allocations team will be able to make potential residents aware of the parking arrangement.

- 6.70. Condition NS22 will secure details for the provision of electric vehicle charging points in line with requirements in London Plan policies T6.1, T6.2 and T6.3.
- 6.71. In terms of servicing, the Planning Committee Report concludes that the proposed servicing arrangements cater for the needs arising from the Scheme as well as accommodating the existing level of servicing for Eel Pie Island and other surrounding businesses and residents. Servicing proposals include the provision of restricted vehicular access along the Embankment between 7-10am daily. The Council's Facilities Management Team will be responsible for operating the manually operated barriers which will be installed at each end of the restricted zone. This arrangement will be secured by an Experimental Traffic Management Order (ETMO). A condition (NS25) will secure approval of a Servicing and Delivery Plan prior to first occupation of the Scheme. This will include responsibilities and booking arrangements for the restricted access along the Embankment.
- 6.72. In terms of the pedestrian environment, the removal of parking bays from the Embankment and restrictions to vehicular access place pedestrians and cyclists at the top of the movement hierarchy and also increase pedestrian connectivity across the Scheme and to the wider town centre. This satisfies the requirements of the TAAP and policy LP44 in the Local Plan which requires development to be designed to maximise permeability within and to the immediate vicinity of the development through the provision of safe and convenient walking and cycling routes; and to provide opportunities for walking and cycling, including links and enhancement to the existing networks.
- 6.73. The Scheme provides an additional 46 short stay cycle stands in addition to retaining 8 existing spaces. As such, the scheme exceeds London Plan standards. Condition NS65 secures the provision of the stands prior to the first occupation and condition NS75 secures full design details.
- 6.74. Section 6 of Mr O'Donnell's Proof (**Document LBR3A**) sets out in detail how the transport elements of the Scheme will be implemented and all necessary highways mitigation secured.

Twickenham Area Action Plan (TAAP) 2013⁶

- 6.75. The TAAP sets out the framework for development and regeneration in Twickenham town centre. Twickenham Riverside is subject to a Site Allocation in the TAAP (Site TW 7 Twickenham Riverside (Former Pool Site) and south of King Street). At paragraph 7.5.2.2 the TAAP states that a comprehensive approach is proposed in order to ensure connections to the Riverside are enhanced and to make Twickenham a more attractive destination.
- 6.76. Twickenham Riverside and the Embankment are identified as an opportunity area comprising the River Thames frontage, the working waterfront, heritage buildings and their settings, and key connections including Twickenham Riverside site and wider links to the open areas up and down the Thames, including by boat (paragraph 3.3.1).
- 6.77. The TAAP goes on to describe how it seeks to enhance the distinctiveness of opportunity areas and create stronger zones of activity which will add to the diversity of the town centre and create new attractions. Paragraph 3.3.2 goes on to state that the objective is to enhance the town centre with a strengthened retail, entertainment and cultural offer, which builds on its assets – a destination of choice which meets the needs of local residents and businesses and attracts a larger number of visitors.
- 6.78. The Spatial Strategy is summarised in paragraph 3.4.2 of the TAAP. For Twickenham Riverside, the strategy aims for the enhancement of the new public park on the site of the swimming pool and of public spaces on the Embankment (upstream of Water Lane), making the most of the unique waterfront and strengthening of the retail offer on the corner of King Street/Water Lane.
- 6.79. At paragraph 3.4.3 a list of principles underlying the Spatial Strategy is provided. This includes the enhancement of the Thames riverside and encouragement and retention of existing river related and leisure uses, improving the infrastructure of the unique working waterfront and views to it, and improved linkages to the open areas up and down the river.
- 6.80. The TW7 site allocation identifies a boundary around the entirety of the urban block between Water Lane and Wharf Lane. The boundary runs along the northern edge of no 1-33 King Street and to south along the Embankment.

⁶ Although the Planning Committee Report refers to the TAAP as one of the Council's supplementary planning documents (SPD), it forms part of the development plan.

- 6.81. The TAAP's aims for the site is encapsulated at paragraph 7.5.5. The aim is that the "derelict" site is brought back into active use, taking advantage of its riverside location and improving links between this area and the core of the town centre. The TAAP states that a "substantial" area of open land should be retained and that some of this should be green space. The TAAP states that bringing the site back into use will be key to the regeneration of Twickenham.
- 6.82. The TAAP sets out a number of key objectives. These are set out below with a summary of how the Scheme meets the objectives. Further commentary is provided in Mr Bannister's Proof of Evidence:
- 6.83. **maintain the existing ground floor retail frontages and provide residential uses above on King Street and provide new specialist retail, leisure and community uses.**
- 6.83.1. The Scheme would maintain active retail frontages at the sites junction with King Street. A new retail and café frontage would be provided along the length of Water Lane in addition to a new pub/restaurant on the ground floor of the Wharf Lane building. A new pétanque court, enhanced Future Designated Open Space, provision of river activities including a floating pontoon and a new open air Events Space would all meet the TAAP requirements for specialist leisure and community uses.
- 6.84. **link the existing service road to Water Lane create new open space to provide for a wide range of open uses, including on the former pool site and in the form of civic space beside Water Lane.**
- 6.84.1. Efforts were made during the iterative design process to link the service road to Water Lane. However, in order to maintain adequate flood defences and storage and address challenging site levels while providing adequate height clearances and turning heads, the Scheme proposes a solid edge along Water Lane with no opening into the service road. Access to the service road would be maintained from Wharf Lane. Further commentary on this objective is set out in sections 9 and 10 of Mr Bannister's Proof of Evidence (**Document LBR2A**).
- 6.85. **maintain the Embankment as a working quay and, subject to feasibility, provide mooring and landing facilities.**
- 6.85.1. The Scheme would preserve the functionality of the quay through the provision of a new boat store and a floating pontoon. Whilst the floating

ecosystem would restrict the use of one mooring, two would remain. The slipway at the end of Water Lane which provides access to the river is being re-surfaced as part of the Scheme. Vehicle access is also retained, with a dedicated servicing area for Eel Pie Island.

6.86. improve the environment of the Embankment including reduction in car parking.

6.86.1. A total of 82 on street car parking spaces within the CPZ would be removed as part of the borough's CPZ review. The Scheme would retain six spaces on the Embankment for servicing of Eel Pie Island.

6.87. improve the Water Lane and Wharf Lane links from the town centre to the Embankment as shared use spaces; to secure the redevelopment of the car parking on the Embankment with residential and/or town centre uses.

6.87.1. The Scheme seeks to improve the streetscape in Water Lane and Wharf Lane through new hard surfacing and planting to unite the public realm and facilitate a more attractive desire line between the town centre and the riverside. The existing car park in Water Lane would be replaced by the Water Lane building which includes residential uses on the upper floors and town centre uses on the lower floors. Water Lane is also widened to allow for a generous new pedestrian route from King Street, better connecting the town and the riverside. Both Water and Wharf Lanes also have accessible access into the open space provided at the centre of the scheme.

6.88. achieve high quality traditional design and/or reuse of buildings.

6.88.1. The Water Lane and Wharf Lane buildings have been designed to respond to different townscape contexts with the Water Lane building mediating between the town and the river and the Wharf Lane building directly addressing its riverbank setting. The Scheme proposes high quality architecture where use of brick draws on materiality in the surrounding context.

6.89. conserve and enhance the Twickenham Riverside Conservation Area and its setting and the setting of the Queens Road Conservation Area.

6.89.1. The Scheme is considered to contribute positively to the Twickenham Riverside Conservation Area, Queens Road Conservation and neighbouring heritage assets including listed buildings/structures and Buildings on Townscape Merit.

6.90. take account of the unique riverside setting.

- 6.90.1. The Scheme seeks to optimise the site's riverside setting. The Scheme Land has been master-planned to ensure that physical and visual connections to the riverside are maximised. The open space has views to the river and there is ample seating which will offer uninterrupted river views. Leisure provision in the form of the boat store, the floating pontoon and improved surface of the slipway would encourage increased usage of the riverside for water sports and recreation. Buildings and windows would be oriented to maximise views across the river.
- 6.91. At paragraph 7.5.5.3 of the TAAP, a map (Map 7.14) is provided to illustrate the land uses sought by the TAAP. This includes an area of open space (A) to allow a variety of leisure activities, playground and café and the potential for low rise leisure and community pavilions to the north of the site (C) to enliven the area and allow public enjoyment of the riverside open space.
- 6.92. The map is schematic with blue lines overlaid on top of the existing layout indicating zones (A to F) where various land uses or environmental interventions are sought. By definition the map does not prescribe a masterplan design for any future scheme. In fact, a series of design guidelines are provided at paragraph 7.5.5.4 which include the creation of a destination on the riverside and enhancing and extending the Gardens⁷.
- 6.93. The Scheme has been developed following a design-led approach that optimises the capacity of this allocated site in line with London Plan policy D3. The design led approach for Twickenham Riverside has been iterative in process with detailed consideration of the Scheme Land's context and environmental constraints and collaboration with key stakeholders helping to determine the most appropriate form of development for the site.
- 6.94. While the western area of the Scheme, (which falls within Area A as identified within the TAAP and shown as open space), would house the Wharf Lane building, this would offer the benefit of providing active frontages to the new open space and accommodating restaurant/pub uses that would help to enliven the area and draw visitors to the town centre. The potential for these sorts of uses is identified in the TAAP, albeit in Area C. Area C indicates the potential for low rise leisure and community pavilions, whereas in the Scheme, this area would predominantly form part of the Future Designated Open Space.

⁷ Revised definition for Gardens included in the glossary at section 11 of this Proof of Evidence.

- 6.95. The Scheme would not result in a reduction in open space, in fact there is a significant increase in the amount of Future Designated Open Space (+1,017sqm) and Future Functioning Open Space (+1,560sqm) in the Scheme. Section 8 of the Statement of Case describes the Future Functioning Open Space in detail and its comparative superiority to the Existing Functioning Open Space. Mr Bannister's Proof of Evidence provides a comprehensive comparative analysis of the existing and proposed open space in section 10.
- 6.96. The quality of the re-provided open space is an upgrade in accordance with the aspirations of the TAAP, with the Future Functioning Open Space extending eastwards linking in with the adjacent open space and southwards to the Embankment, with the road and car parking no longer severing the link between the open space and the river. Existing facilities within the open space are re-provided.
- 6.97. I consider that the quality of the re-provided open space would be an upgrade in accordance with the aspirations of the TAAP:
- 6.97.1. It would provide increased open space outside a floodable area, thereby allowing for increased usage by the community;
 - 6.97.2. The Existing Functioning Open Space is separated by a road and car park. By comparison, all open space in the Scheme would be connected, from the north service road down to the river, to Water and Wharf Lane, with accessible access for all. Whilst occasional vehicles may require access along the Embankment, this would be limited and thereby not demonstrably devaluing such open space;
 - 6.97.3. The Existing Designated Open Space has poor legibility from surrounding pedestrian walkways and feels detached from the riverside. In comparison the Scheme proposes a wave of open space, that would visually and physically link to its surroundings, and benefit from views to the river;
 - 6.97.4. Compared to existing, the Scheme would enhance the functionality of the Future Designated Open Space (and the Future Functioning Open Space), by providing a series of spaces for different functions, allowing for increased enjoyment of such, including gardens, river activities, Events Space, riverside promenade, lawn terrace for informal recreation, alfresco dining; play; petanque area, ampitheatre; and seating within different character areas; and

- 6.97.5. Whilst it is recognised the Existing Designated Open Space currently holds events, the Scheme would enhance such provision because of its size, siting (and thereby ease of access); and provision of services (external lighting, power and water). The Design and Access (**CD 3.03**) submitted with the Planning Application included event capacity studies, which demonstrated that the Events Space alone, could provide an ice rink; cinema and seating; stage with seating, farmers markets, fun fair – demonstrating the versatility of this space.
- 6.98. For the reasons set out above and as confirmed within the Planning Committee Report (**CD 3.37**) (paragraph 8.105), the Scheme is in overall compliance with the design guidance and aims and objectives for the regeneration of Twickenham town centre as set out in the TAAP.
- 6.99. The Scheme is consistent with planning policy by virtue of the proposed re-use of this partially derelict, highly accessible part-brownfield site, the provision of new homes including 50% affordable housing, at an 81:19 tenure split delivering 81% socially rented units and 19% intermediate units, new green space and public realm and retail and commercial uses. The Scheme would deliver sustainable development in that it would optimise a town centre site and mitigate impacts of change through flood risk mitigation, sustainable design measures and the energy strategy. The Scheme is also considered to accord with the London Plan, TAAP site specific policies, the Council's strategic objectives for the regeneration of Twickenham town centre and the NPPF.

Material Considerations

National Planning Policy Framework 2021 ('NPPF')

- 6.100. The NPPF at **CD 2.1** provides that there is a presumption in favour of sustainable development (paragraph 11).
- 6.101. Paragraph 7 of the NPPF defines the over-arching objectives of the planning system to deliver sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.102. Paragraph 8 of the NPPF specifically identifies the delivery of housing as an

overarching objective of the planning system:

"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services that reflect current and future needs and support communities' health, social and cultural wellbeing"

- 6.103. Paragraph 11 states that planning decision taking should apply a presumption in favour of sustainable development and at part c) states that this means approving development proposals that accord with an up-to-date development plan without delay.

- 6.104. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible

- 6.105. Paragraph 60 of the NPPF promotes a significant boost in the supply of homes including those that address the needs of specific groups and when they are to be developed without unnecessary delay once consent.

- 6.106. Paragraph 99 of the NPPF identifies circumstances where existing open space can be built including where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

- 6.107. Paragraph 119 encourages local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

- 6.108. Paragraph 125 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and

decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

6.109. Paragraph 110 states that in assessing specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.110. Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.111. Paragraph 112 states development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport and appropriate facilities that encourage public transport use. It also states applications for development should create places that are safe, secure and attractive, minimising conflicts between pedestrians, cyclists and vehicles and allow the efficient delivery of goods and access by service and emergency vehicles. Development should also be designed to enable.

6.112. In my view, the Scheme would comply with the relevant sections of the NPPF.

7. THE ECONOMIC, SOCIAL AND ENVIRONMENTAL WELLBEING BENEFITS OF THE SCHEME

7.1. Section 226 paragraph (1) of the Town and Country Planning Act 1990 states that:

“A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their if the authority think that the acquisition will facilitate the carrying out of

development, re-development or improvement on or in relation to the land, is acquired for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion

or improvement of the environmental well-being of their area.”

- 7.2. Paragraph 106 of the CPO Guidance states that any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include: the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.
- 7.3. Paragraph 103 of the CPO Guidance is clear that "the benefit to be derived from exercising the [wellbeing] power is not restricted to the area subject to the Compulsory Purchase Order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority's area.
- 7.4. The Council has commissioned a Social Value report (**CD 4.5**) which assesses the benefits delivered by the Scheme over a 30-year period. The assessment used Government approved and nationally recognised frameworks. It was estimated that over 30 years, the regeneration of the Scheme Land would generate over £20m in measurable local impacts. There are also a number of benefits that could not be quantified, for example the increase in footfall the regeneration will bring. Whilst 30 years was chosen for the purposes of this assessments the benefits of the Scheme would not end after a 30-year period and it is expected that social value would be felt long after that.

- 7.5. Section 9 of Mr Chadwick's Proof of Evidence (**Document LBR1A**) details the economic, social and environmental wellbeing benefits that arise from the Scheme. It is my view that Mr Chadwick's case for wellbeing benefits is compelling and that there are clear parallels between these benefits and the objectives of the planning policy framework. These are summarised below.

Economic well being benefits

Re-provision of existing retail and office uses

- 7.6. The Scheme would re-provide the existing retail and office space ensuring no net loss of employment floorspace. This delivers the objective of Local Plan policy LP40 which seeks to ensure that land in employment use is retained in employment use for business purposes.

End use employment opportunities

- 7.7. The construction of the Scheme creates a range of employment opportunities within the local and wider economy.
- 7.8. Condition NS43 secures a Local Employment Agreement prior to the commencement of works to construct the Scheme in accordance with the objectives of Local Plan policy LP29.

Construction phase employment opportunities

- 7.9. Construction of the Scheme will support jobs directly on site as well as indirect support to additional jobs in the supply chain.
- 7.10. Condition NS88 secures a Local Employment Agreement prior to the occupation of new commercial units in the Scheme in accordance with the objectives of Local Plan policy LP29.

Attracting inward investment

- 7.11. The delivery of a high-quality, well-designed scheme with generous provision of public open space and an active river frontage will help make Twickenham a more attractive destination and increase footfall to the area in line with the objectives of the TAAP. In addition, new workers and residents will spend within the local economy which will assist in sustaining the local services and infrastructure in the wider area. This will deliver against the Council's strategic objectives as expressed in section 2.3 of the Local Plan where in order to meet people's needs, the need for inward investment is identified (paragraph 11 under "Meeting People's Needs") (CD2.4).

Delivery of new retail accommodation

- 7.12. The Scheme will deliver modern and flexible retail space to strengthen Twickenham's status as a main town centre at the top of the town centre hierarchy in accordance with Local Plan policies LP25 and LP26. The provision of retail uses along Water Lane will enhance the offer here and generate additional footfall and spend. This would deliver on the TAAP ambition to extend the successful Church Street retail format further (i.e. small scale, specialist shops).

Social well being

Delivery of good quality housing

- 7.13. The delivery of 45 new homes in Twickenham town centre will meet the objectives of Local Plan policy LP34 which seeks to ensure that the Council's housing delivery targets are met with a focus on delivery in Twickenham among other places.

Delivery of new affordable homes

- 7.14. The delivery of 21 affordable homes will be a significant social benefit of the Scheme, particularly in the context of Richmond's affordability challenges and continuing need for affordable housing. The new homes will provide accommodation for those who need it and will relieve stress from the Council's housing register. The Scheme's unit mix in this town centre location will allow for allocations to existing under-occupying social tenants meaning that larger homes elsewhere can be released to meet the needs of larger families. The provision of 50% affordable housing (by habitable room) meets the objectives of Local Plan policy LP36.

Reuse of partly derelict and unused land

- 7.15. The existing derelict pool buildings blight the area and by virtue of the fenced compounds lack a physical and visual connection to the surroundings. In contrast, the Water Lane building will deliver an active retail frontage at ground floor with three storeys of residential accommodation on the floors above. This restores an active use to the derelict site which is an aim of the TAAP. The ground floor uses will further animate and better frame the street environment on Water Lane. This will serve to strengthen the link between King Street and the river and help draw people down to Water Lane to the riverside. The Scheme achieves this improvement to the frontage to Water Lane while also delivering a significant amount of open space and increasing the provision of children's play space.

Enhancements to public realm

- 7.16. The existing open space and public realm suffers from issues with anti-social behaviour, criminal damage, substance misuse and break ins into the derelict buildings which are fenced off. In contrast, the Scheme opens up the public space so that it can be accessed from all sides and opens out onto the Embankment and the river. The widening of Water Lane would mean that the river, and footbridge to Eel Pie Island would be seen from King Street, thereby making more of the river connection. Overall, the Scheme provides 4,387 sqm of Designated Public Open Space (Map D **CD4.3**) in contrast to 3,370 sqm of Existing Designated Open Space which is a clear benefit.

Enhancements to the Gardens

- 7.17. The Scheme also provides a more versatile and better equipped event space with connections to utilities to facilitate events such as outdoor cinemas and markets which aligns with the spatial strategy expressed in the TAAP which includes making the most of the unique waterfront in Twickenham.
- 7.18. The Scheme re-provides the Gardens and adheres to guidance in the TAAP for an enhancement and extension to the Gardens. The new Gardens would have views out over the river and provide terracing, events space, an improved and larger children's play area, as well as pétanque terrain and terraced seating.

Removal of parking from the Embankment

- 7.19. The removal of traffic from the Embankment and increase in provision for cycle storage will encourage greater physical activity and promotes more sustainable modes of transport. This will help create activity around the riverside which will have a number of benefits, including health and mental health, education, employment, and creating a sense of place and community.

Improved facilities for river based activities

- 7.20. The Scheme would repair the existing slipway and provide a new pontoon, both of which would allow greater access to the river for river-based activities. There would also be storage for river craft such as paddleboats and kayaks. This represents a betterment in the provision for water based sports than exists at present.

Public toilets

- 7.21. The Scheme Land has restricted access to two public toilets within the café building. The Scheme would improve access to a greater number of high-quality public toilets would help make the space more accessible and inclusive. It is particularly important for older people who may otherwise be reluctant to use the space and therefore helps avoid problems arising from isolation.

Environmental Wellbeing

Making best use of land

- 7.22. In line with the general thrust of national planning policy and London Plan policy D3, the Scheme makes best use of land, which is a limited resource, in a well-connected, town centre setting. The Scheme makes best use of brownfield land (which includes the three existing retail units on King Street and associated car park, as well as the derelict buildings which are hoarded off and no longer used but previously formed part of the swimming pool complex) while also replacing and providing an uplift in public open space.

Removing derelict buildings

- 7.23. The Scheme would enable the removal of derelict buildings which detract from visual amenity and have been hoarded off due to problems with anti-social behaviour.

Enhancing local biodiversity

- 7.24. The Scheme seeks to increase biodiversity through extending existing green corridors following the river, by creating continuity for species that rely on vegetation and tree canopies. New street trees would be planted along the access laneways, establishing continuous green chains for pollinators and birds. The Scheme would also provide and bat boxes and invertebrate hotels to support habitats in the local area.

Reduction in dominance of car parking

- 7.25. The Scheme would reduce the dominance of car parking on the riverside. This, alongside increased cycle provision, would encourage sustainable means of transport to the Scheme Land. A reduction in vehicle movements would help improve air quality.

8. OBJECTIONS TO THE ORDER RELATED TO PLANNING

- 8.1. The Trust submitted a written objection to the Unmodified Order to the Secretary of State on 18 November 2021. The representation sets out a number of reasons for the Trust's objection to the Unmodified Order.

- 8.2. My proof addresses the Trust's planning based objections which in summary are:

- 8.2.1. *That the Planning Application and the CPO Statement of Reasons make "erroneous" and "selective" references to the TAAP*
- 8.2.2. *That the Gardens were erroneously entered onto the Brownfield Land register*
- 8.2.3. *That an Environmental Impact Assessment has not been undertaken*
- 8.2.4. *That safety audits relating to the Planning Application remain outstanding*

- 8.3. The Trust's other grounds for objection are addressed in Mr Chadwick's proof.

- 8.4. Objections raised by other objectors are also addressed below.

The Planning Application and the CPO Statement of Reasons make "erroneous" and "selective" references to the TAAP

- 8.5. The Planning Application has been determined and as I set out in paragraphs 6.75 to 6.99 of my evidence, I consider that the Scheme meets the requirements of the TAAP for the TW7 proposal site.

- 8.6. In addition, the Planning Committee Report (**CD 3.37**) presents a balanced assessment of the Scheme's consistency with the TAAP to members. While concluding that the Scheme "complies with the Development Plan taken as a whole"

(paragraph 11.1) and “delivers many of the aspirations and ambitions of the TAAP” (paragraph 11.8), the Committee Report is transparent where officers identify tensions between the Scheme and the TAAP.

- 8.7. Areas of diversion relate to tree planting, the service road link to Water Lane and the overall site layout. I discuss each of these in turn below.

Tree planting

- 8.8. Paragraph 7.5.5.4 of the TAAP lists a series of design guidelines for Twickenham Riverside. This includes “retention of significant trees”. The Planning Committee Report (**CD 3.37**) at paragraph 1.9 identifies that the Scheme would result in the loss of a number of trees of high and moderate value. This is identified as running contrary to the TAAP design guidelines. However, mitigation for these losses is secured in the form of the on-site tree planting programme and conditions securing wider planting within the Twickenham Riverside ward, propagation of the Black Poplar tree (Condition NS48) and investigations into the failure of the Pin Oaks on the Embankment (Condition NS49). The Planning Committee Report then goes on to conclude that in view of the mitigation, the loss of trees which is a departure from the TAAP is acceptable on balance. I agree with this planning judgement.

Service road link to Water Lane

- 8.9. Paragraph 7.5.5.2 of the TAAP lists a series of key objectives for Twickenham Riverside. One of these objectives is “to link the existing service road to Water Lane”. The Scheme would not link the service road to Water Lane for reasons set out in full in section 7 of Mr Bannister’s evidence. At paragraph 8.252, the Planning Committee Report (**CD 3.37**) makes clear that the Scheme does not include a link to Water Lane.
- 8.10. Turning back to the TAAP, one of the key objectives cited in paragraph 7.5.5.2 is to improve the environment of the Embankment including the reduction in car parking. Reading the TAAP as a whole, I consider that the rationale for linking the service road to Water Lane is driven by the overriding objective to improve the environment along the Embankment and reduce the dominance of car parking. Reading the TAAP as a whole, I see no evidence for the service road being a design objective in and of itself. Instead, it is presented as a mechanism for achieving a better environment on the Embankment.
- 8.11. Paragraph 8.251 of the Planning Committee Report (**CD 3.37**) advised members that the Scheme’s traffic management arrangement achieves the TAAP’s aspiration for

traffic reduction along the Embankment:

“A clear aspiration of the TAAP is to reduce parking along Twickenham Embankment to allow for environmental improvements, achieved by a new traffic management arrangement to reduce the impact of vehicular movements on the pedestrian environment, including, a link from the Wharf Lane service access (that runs to rear of King Street) to Water Lane and one way traffic management and rearrangement.”

- 8.12. While the Scheme would not link the service road to Water Lane, it would, by virtue of the two way traffic on Water and Wharf Lane, achieve the strategic objective of the TAAP to improve the character and environment of the Riverside while still maintaining the Embankment as a working quay.

Loss of existing open space

- 8.13. The TAAP includes a map (Map 7.14) which identifies a series of areas (A-F) and associated land uses and development interventions (**CD2.5**).
- 8.14. Area A is identified in the location of the existing Gardens and the key in paragraph 7.5.5.3 identifies that Area A will be open space (excluding the area where there are currently buildings), a mixture of hard and soft landscaping to allow a variety of leisure activities, playground and café.
- 8.15. Where the Scheme sites the Wharf Lane building in the existing open space, the Committee Report (**CD 3.37**) (paragraph 8.40) acknowledges that this conflicts with the TAAP:

“The scheme results in the loss of the existing open space, with the Wharf Lane building (and the Water Lane building to a lesser degree) proposed on such areas, contrary to LP31 and the aspirations of the TAAP (which seeks the upgrade, enhancement and extension of DJGs (3.4.1, Principle 4 and 7.5.4).”

- 8.16. Notwithstanding, the officer goes on to state in paragraph 8.40 that planning judgement should be exercised to assess each application on its own merits:

“However, each application must be assessed on its own merits that consider the exceptions set out in the Framework, any reprovion (value, facilities, access) and the planning balance.”

- 8.17. As I set out earlier, the Scheme would provide a significant improvement in comparison to the existing equipment and facilities in the Gardens albeit in a different location towards the central and eastern parts of the Scheme Land. In exercising planning judgement, the LPA considered that the quality and quantity of the reprovion attracted weight in the planning balance and that ultimately, the Scheme would still deliver quality of open space sought by the TAAP. The officer's assessment is summarised at paragraph 1.2, and I agree with this judgement:

"The site currently incorporates extensive areas of open space, including DJGs. Whilst the current arrangement will be lost, by area, the scheme will provide an uplift in open space; public open space and soft and hard landscaping. Further, the quality of the reprovided open space is deemed to be an upgrade in accordance with the aspirations of the TAAP, with the new DJGs extending eastwards linking in with the adjacent open space and southwards to the Embankment, with the road and car parking no longer severing the link between the open space and the river"

- 8.18. In addition, as referenced at paragraph 8.105 of the Planning Committee Report, the LPA considered that the layout has significant benefits and that the Scheme is in overall compliance with design policies and the aspirations of the TAAP:

"The layout has significant benefits, opening and activating the whole site and river frontage, the increased width of Water Lane visually and physically links the river to the rest of the town centre and will draw people down to the riverside. The buildings provide active frontages, establishing a relationship with the adjoining public space. The scheme has followed a design led approach, responding to local character, with two buildings that have a strong form and relate to other wharf buildings found along the river and Eel Pie Island, and the scale and massing has been successfully broken up through materials, detailing and balconies. As such, the scheme is overall compliant with design policies and the aspirations of TAAP."

- 8.19. Notwithstanding the planning balance, I note the introductory sections of the TAAP, particularly under the headings "Purpose of the Area Action Plan" (paragraph 2.1.1) and "The Scope of the Area Action Plan" (paragraph 2.1.3). In terms of the purpose of the TAAP, paragraph 2.1.3 explains that *"it provides a framework for achieving the revitalisation of the centre, through the redevelopment of key sites, reduction in the impact of traffic and environmental improvements. It focuses on achieving and promoting the town centre as an employment location, district retail centre, visitor and*

tourist destination, centre for sports, leisure, arts and cultural activities as well as a more diverse evening economy". It is my view and one that is borne out by the Planning Permission that the Scheme will deliver against each of these strategic objectives.

- 8.20. The use of the term "framework" is key. The TAAP by its own definition is a set of development principles with the ultimate aim of revitalising Twickenham Town Centre. Even where the TAAP drills down to specific sites, including Twickenham Riverside, it provides design guidance (paragraphs 2.2.5 and 7.5.5.4), not prescriptive rules. In this vein, Map 7.14 is a visual representation of areas on the existing site where particular interventions are sought. The Map denotes areas overlain on the existing layout, it should not be treated as a design solution. A site-based solution should only be found following a design-led approach with the consideration of a number of design options that respond to the existing context. It is not possible, nor is it appropriate for this level of site specific analysis to be undertaken at the plan making stage.

Erroneous reference to Brownfield land and the Brownfield Register

- 8.21. Objections have been raised about the entering of the Gardens onto the Brownfield Land Register (BLR). Similar objections were raised to the Planning Application. The matter is therefore addressed in paragraph 8.3 of the Planning Committee Report (**CD 3.37**). This states that whole site allocation TW7 is on the BLR in response to the TAAPs aspiration for a comprehensive redevelopment of the whole site, and the Trust having previously agreed to consider a re-provision of its land as part of the RIBA competition for the redevelopment of the site. As such, it was deemed the site met the criteria for including land within the BLR. Whilst the whole site may have been included within the BLR, this is not a land allocation, nor does it mean that the whole site, in its entirety, is appropriate for residential development.
- 8.22. The Planning Committee Report (**CD 3.37**) goes on to identify the policy support for the principle of using suitable brownfield sites to deliver homes and other identified needs. However, in this context, the Planning Committee Report takes care to define what was considered brownfield land for the purposes of determining the Planning Application. A hatched area to the east of the site is shown in the Planning Committee Report at Plan 1 (page 52) and this excludes the Gardens from the Brownfield designation.
- 8.23. The existing Gardens were treated as Public Open Space in the Officer's assessment and in order to satisfy policies which seek to protect Public Open Space, the Scheme has had to demonstrate superior re-provision in qualitative and quantitative terms.

Outstanding planning application audits

- 8.24. The Trust's objection claims that there are outstanding road safety audits that need to be carried out. This is dealt with in my evidence at paragraph 6.63 above, and dealt with more thoroughly in Mr O'Donnell's Proof of Evidence (**LBR3A**).

Absence of an EIA

- 8.25. The Council issued a Screening Opinion in May 2020 confirming that the screened development did not meet the threshold for an EIA having regard to the EIA Regulations and concluding that the development would not be in a sensitive area, would not exceed the Schedule 2 or indicative thresholds or would not be Schedule 2 development. As explained above, planning permission has now been granted.
- 8.26. In addition to those from the Trust, the following planning based objections have been raised by other representors. My responses are set out under each. Individual objectors are identified in section 11 of the Statement of Case.

Concerns about impact on the Conservation Area

- 8.27. I consider the impact of the Scheme on designated heritage assets including the Conservation Area in paragraphs 6.47 to 6.52 of my proof where I conclude that the Scheme would preserve and enhance the setting of the Conservation Area.
- 8.28. In addition, the Planning Committee Report assesses the Scheme's potential impact on the Conservation Area in paragraphs 8.10 to 8.122 and concludes that the Scheme would positively contribute to the character of Twickenham Riverside Conservation Area when viewed from the river, as well as various surrounding roads.

The Planning Application was not accompanied by the requisite confirmation in section 25 of the application form

- 8.29. The Certificate of Ownership section of the Planning Application form (Certificate B) was completed, together with confirmation of all those parties with an interest in the Site who were served notice of the Planning Application. The Council also placed a public notice in the local press as required by Certificate C.

The Scheme is different from the development plans in the Local Plan process

- 8.30. The Scheme's compliance with development plan policy is addressed in Section 6 of my evidence. The Scheme has been granted Planning Permission.

8.31. In summary, it is my view that the objections made that relate to planning matters do not undertake a planning balancing exercise nor do they consider the Scheme as a whole. The Scheme has been through a detailed assessment by the LPA and there is a valid planning permission in place.

9. CONCLUSION

9.1. My conclusion is that the Scheme would comply with the objectives of the planning policy framework for Richmond. Specifically, the regeneration of the Scheme Land would meet objectives for the regeneration of Twickenham Riverside and the wider Twickenham town centre as set out in the TAAP.

9.2. In addition, by virtue of the granting of Planning Permission, I conclude that there would be no planning based impediment to the delivery of the Scheme.

9.3. Lastly, I conclude that the Scheme will bring about significant improvements to economic, social and environmental wellbeing of Twickenham.

9.4. In the light of this and evidence provided by Mr Chadwick, Mr Bannister and Mr O'Donnell, I consider that there is a compelling case in the public interest in support of the Order.

10. STATEMENT OF TRUTH

10.1. I confirm that I have made clear which facts and matters referred to in this Proof of Evidence are within my knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

11. GLOSSARY

“Derelict Areas”	mean those areas of derelict land on the Scheme Land as shown on Plan 1 on page 56 of the Planning Committee Report
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“Designated Open Space”	means any land on the Scheme Land, laid out as a public garden, or used for the purposes of public recreation, within the meaning of the definition in section 19(4) of the ALA 1981
“Existing Designated Open Space”	means any Designated Open Space on the Scheme Land as shown coloured green on Map A and measuring 3,370 sqm. (On a precautionary basis this includes the café and the associated outdoor seating space shown edged in red on Map A)
“Existing Functioning Open Space”	means the Existing Designated Open Space and the Existing Highway Used as Open Space as shown on Map B and measuring 4,445sqm. (On a precautionary basis this includes the café and the associated outdoor seating space shown edged in red on Map B)
“Gardens”	means the existing Diamond Jubilee Gardens, Twickenham TW1 3DX edged in red on Map M. This is a larger area than the Existing Trust Lease Area.
“Future Designated Open Space”	means the Designated Open Space as proposed within the Scheme as shown coloured green on Map C and measuring 4,387 sqm
“Statement of Case”	means the Council's Statement of Case in support of the Modified Order and issued to all remaining relevant objectors on 5 April 2023

