

Jeremy Hamilton-Miller: Objection to CPO  
Summary

I have problems with various statements in the Case:

- 1 Support of scheme by residents
- 2 Assumptions of footfall and take up of franchises
- 3 Misleading statements about fate of trees
- 4 Statements about Wharf Lane building
- 5 Details of correspondence with Trust
- 6 Consideration of alternative schemes
- 7 Superiority of proposed over existing facilities

## **Response to CPO Case by Borough of Richmond**

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### **Introduction**

Since the Open Air Pool closed in 1980, there have been at least six failed attempts to develop this highly attractive riverside site. All residents would agree that redevelopment is necessary; the CPO required by Richmond Council (LBRuT) to bring about the work they consider essential is, however, a step too far.

I suggest that an alternative scheme is possible that could have the desired effect of creating a magnet for residents and visitors, while not requiring a CPO to purchase the Diamond Jubilee Gardens (DJG). The latter is described by Hopkins Architects as “well-loved”.

LBRuT have presented a Case for justifying their CPO, but I submit that some of the evidence contained therein is non-factual, based on subjective opinions or is merely speculative, as I hope to show below.

I would add that I was a Trustee of the Twickenham Riverside Trust between 2012 and 2020.

### **Comments on LBRuT's Statement of Case**

#### *Case proposes Scheme is supported by residents*

There several statements (eg 2.7, 3.9 – 3.17, 11.222, 11.303) to the effect that “the scheme was supported” by residents. However, the plans offered to residents in Jan/Feb 2021 of the “developed design” lacked detail, and were chiefly the architect's impressions, without scale. The “Council Introductory Boards” at the exhibition for the Jan-Feb 2021 consultation state “New trees throughout the site while protecting many of the existing trees” (my emphasis) – see section below. Further, this developed scheme did not delineate TRT's proposed new demise.

Residents' replies, 892 in number, to the multi-section questionnaire were analysed in-house. The direct question “do you support the scheme” was not asked. Thus, the “support” claimed is difficult to work out.

The only true consultation on the actual Scheme (as defined in the Case) is shown by the comments on the Planning Application. This showed 345 objections and only 236 in support (Officers' Report to Planning Application).

#### *Case not clear as to separation of affordable and private units*

The statement in 2.7 “..development comprising 45 new residential units, of which 21 are

affordable homes set out across two buildings..” is misleading: the 21 affordable homes are in the Water Lane building only, not across two buildings. See also 6.13 – 6.18 and 10.33 (below). This separation of private and affordable housing is made clear in the Planning Statement (CD3.02#5.7)

*Case proposes increased footfall and uptake of franchises*

In 2.15.2 (and several other places) it is “assumed” that there will be increased footfall, and this assumption is used to justify many of the statements throughout the Case. I note however (11.82) that the Council is “looking to commission footfall studies”. Surely, the result of such studies should be available now, and not later; the strength of the Case is diminished by this “assumption”, unsupported by hard facts.

The argument in 10.10.1 (and in several other places in the Case) is only valid if the franchises in the retail units, the pub and the cafe are taken up. Again, there is just an assumption, throughout the document, that this will come to pass. The proximity of many other pubs in the immediate area and the general decline in the High Street (one only has to look at shopping areas in Kingston and Richmond - though many aspects of central Twickenham have remained remarkably resilient - for evidence of this) must cast considerable doubt on this optimistic prediction.

*Case does not refer to Charity Commission Guidelines*

Referring to the comment in 6.24, notice must also be taken of the Charity Commissions Guidelines on disposal of Charitable Land (CC28, para 5.9 therein).

*Case ignores previous planning statements concerning trees*

In 6.26, no mention is made of the fact that all existing trees, except for one, will be felled. It should be noted that an Arboricultural Report and an Arboricultural Impact Report (both dated 27 Aug 2021) were issued in the original Planning Application. These give valuable information about the quality, quantity and amenity value of the trees on the site. These Reports are not available in the Case document **CD3.03** [I have been unable to obtain an explanation from responsible officers for this omission]. This is unfortunate, as these documents make it clear that all the trees, except one, will be felled. The replacements will be young, small trees that will take many years to reach maturity.

I should stress that, at a meeting on 15 November 2018, the Trust was assured that the hornbeams would be spared; further, the Hopkins Plan (scheme 1, in the architects' competition) promised that 10 mature trees would kept (see above). At a meeting between the Trust, the Council and Hopkins on 5 Jun 2020, we were assured that the existing trees at the back of the site “will be preserved to frame the site”.

The Officers' Report to the Planning Application 8.163 states “the scheme requires most trees [66 in all] within the site to be removed, and the visual impact is significant, with the loss of medium and high quality trees all of which provide amenity and greening when viewed from within and outside the site”.

#### *Case justifies Wharf Lane building appearance*

In 6.33 and 6.34, misleading statements are made. The Wharf Lane building, by reason of its height, is manifestly not compatible with its setting, and there is no way that, as claimed in the Case, “the design takes cues from river industry, particularly the boathouse and boatyards on Eel Pie Island”. An example would be appreciated to justify this statement.

“Council Introductory Boards” at the Jan-Feb 2021 exhibition, offered for consultation, promised an “architecturally attractive scheme that reflects local context”. However, the Wharf Lane building is clearly “overbearing”, and is neither consistent with promises referred to nor the Brief (CD03 3.2). It is somewhat counter-intuitive to describe the “book ending” and “framing” properties ascribed to the Wharf Lane building as advantageous. The Brief specifically states concerning the Diamond Jubilee Gardens that “adjacent buildings are not overbearing/towering over DJG” and “buildings do not restrict the river view from Diamond Jubilee Gardens”; The Wharf Lane building manifestly does “overbear” [Chambers defines “overbearing” as “inclined to dominate”] and also restricts river views to the right.

To state in 10.10.5 that the design “responds sensitively to context including Twickenham Riverside Conservation area” also flies in the face of the overbearing nature of the Wharf Lane building, and the ecological vandalism of cutting down the mature trees.

Also, the claim (11.64) is that the Wharf Lane building “successfully reflects the form of a larger wharf type/boathouses found along the river”; again, some examples of the latter should be shown to justify this random statement.

A site inspection may help make clear the reasons for my objections laid out in this paragraph.

#### *Case refers to correspondence with the Trust*

In 9.8: the letter dated 15 Oct 2018 from Trust reads: “The Trustees will consider any proposal the Council decides to put to the Trust” and “we look forward to receiving a specific proposal from you”. This meaning is clear, and there is no statement therein that there was “approval to include the Gardens within the Scheme”, (as is written in 9.8 of the Case).

At a meeting with the Council on 22 Jan 2020??, the Trust indicated that there may be an issue with moving some or all of the leased land onto the floodplain, and a letter to Anna Sadler on 5 July 2020?? “TRT will not agree to any of the present footprint ...being reprovided in an area affected

by 1 in 100 year + 35% flood zone”.

“The whole site solution” referred to in 10.49 states that this was “supported” by TRT. This is only half true: the Trust supported in “in principle”, which puts an entirely different meaning to the statement.

#### *Case consideration of alternative schemes*

In 10.7.3 the question of “alternative proposals” is raised, in line with the Government Guidelines for CPO Process. It is noted in 10.49 that a suggestion was made that the Wharf Lane building be removed from the Scheme; as pointed out above, this is an ugly and overbearing building in the context of the gardens. Its removal would add greatly to the “open space” feeling that is an aim of the whole development: the Brief (CD3.01) states “the design will allow the public to enjoy the full benefits and utility of the riverside” and should “strengthen the green character of LBRuT”; the Consultation Introductory Board states there will be “more space for leisure activities”; the Planning Statement (CD3.02) #4 wishes “go further in terms of urban greening factors” while #5.24 confirms that “predominant land use is residential”.

Thus, clearly, LBRuT considers the more green space the better – that would be achievable by removing the Wharf Lane building. This would reduce the overall cost of construction and materials. In addition, the decreased use of concrete would reduce the CO<sub>2</sub> production – an important factor to this Council, that has declared a “climate emergency”.

It is appreciated that loss of the private homes in this building will entail a reduced income stream for LBRuT over the years, but willing is shown (10.43) to absorb a net cost of £20m for the existing scheme, and it would be relatively small extra cost (or perhaps no extra cost, or even a reduced cost - can the Authority demonstrate that viability studies that consider alternatives/variations on a theme have been done?) in order to achieve the greening aims expressed above

I suggest that this alternative has been dismissed too lightly.

In 11.291 the Case states “..using CPO powers is necessary”, but a scheme involving the whole site without the need to move DJG is possible to work up.

#### *Case does not justify claims on biodiversity*

On the matter of biodiversity (10.34) : the extent of existing biodiversity in the present scheme is well illustrated in three reports

([images.richmond.gov.uk/iam/IAMCache/2414424/2414424.pdf](https://images.richmond.gov.uk/iam/IAMCache/2414424/2414424.pdf);

[images.richmond.gov.uk/iam/IAMCache/2536802/2536802.PDF](https://images.richmond.gov.uk/iam/IAMCache/2536802/2536802.PDF); and

[ukplanning.com/richmond/doc/Report-/2109222.pdf?extension=.pdf&id=2109222&location=Volume2&contentType=application/pdf&pageCount=47](https://ukplanning.com/richmond/doc/Report-/2109222.pdf?extension=.pdf&id=2109222&location=Volume2&contentType=application/pdf&pageCount=47))

To what extent does the present Scheme “enhance local biodiversity”?

*Case proposes that Scheme facilities for play/recreation are superior than those existing*

The facts do not support the claim, in 11.238, that the Scheme offers a “wider range of play/recreational activities” than the Diamond Jubilee Gardens. The Scheme’s terraced lawns (the grass on which bound to deteriorate due to wear, rain and in winter months) are not as conducive to play/recreation as the flat high grade artificial grass in Diamond Jubilee Gardens, that are very well used throughout the year. (The Gardens used to have real grass, but this had to be replaced twice due to wear and tear. The decision to replace it with artificial grass was sanctioned by the Council – who are responsible for upkeep of the Gardens). The Gardens are enclosed, which make them much safer for young children; the playground is well-sited and extremely popular ; the flat paved area is not only excellent for events (as just one part of the Gardens that is used when hosting events), but more importantly is its year-round use, is a haven for children learning to ride a bicycle or skateboard, for example. This is in contrast to proposed Events Space exposed to the Embankment road, susceptible to flooding at intervals and - most significantly in terms of limiting free play - is open to cyclists. Framing the open space enjoyed by the public is the stand of mature hornbeams, which offer shade and is a beautiful backdrop to the Gardens.

*Case refers to earlier Referendum*

Many more details about the Petition referred to in 11.303 should be given: when was it carried out? What precisely was the question asked? Did all the responders live in the Borough? Bearing in mind that there are 62,000 residents in Twickenham [2011 Census], how is the statement justified that the Scheme has the support of Twickenham residents?

However, if this Petition is the Parknotcarpark one, it must be ignored, as it does not refer to this Scheme. The Twickenham Riverside Trust has, however, conducted a petition against the Wharf Lane Building, which over 3,000 people have signed.

*Case statements on Sunshine Cafe at odds with Trust's Lease*

Sunshine Cafe (13.17 - .20): it is stated that the cafe will close before construction. In which case, according to the Trust’s Lease (Landlord's Covenants #4.6 [c]) “at the cessation of the current arrangements with the cafe operator, to hand over the cafe in good and substantial repair and condition”. Thus when the cafe closes or moves to another site (13.19), it thus reverts to the Trust; as the “current arrangement” referred to in the Lease will have ceased.

## **Conclusion**

Point by point examination of the Case shows flaws and inconsistencies. These weaknesses mean an overall lack of convincing argument for a CPO