

LBR16-1

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 THE ACQUISITION OF LAND ACT 1981**

**REBUTTAL PROOF OF EVIDENCE ON BEHALF OF THE
ACQUIRING AUTHORITY**

LBR16-1

IN RESPONSE TO EVIDENCE SUBMITTED BY:

**S-2 W1.1.01: TWICKENHAM RIVERSIDE TRUST (CELIA HOLMAN – OPEN
SPACE ON THE SCHEME)**

1. INTRODUCTION

- 1.1. This is a further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Celia Holman (Twickenham Riverside Trust) regarding ‘Evidence on Open Space in the Scheme’ (S-2 W1.1.01).
- 1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Mrs Holman’s evidence. This document only deals with certain points where it is considered appropriate and helpful to respond in writing. Where specific points have not been dealt with, this does not mean that those points are accepted and that they may be dealt with further at the inquiry.
- 1.3. This rebuttal addresses points raised by Mrs Holman by theme and is broken into sections, with witnesses addressing points relevant to their area of expertise.
- 1.4. The same references and abbreviations as used in the main Proofs of Evidence will be used in this document.

2. DESIGN AND OPEN SPACE

- 2.1. This section is being addressed by Chris Bannister. Details of Mr Bannister’s qualifications and experience are set out in his main Proof of Evidence (**LBR –2A**).

Exclusion of terraced / landscaped section in the eastern corner of the Gardens from Maps A and B

- 2.2. This is in reference to comments, mentioned on page 1 of Mrs Holman’s statement, about an area of land at a lower level than the existing Gardens in the south-eastern corner and how this land has not been included in the definitions of Existing Designated Open Space (Map A **CD 4.03A**) or Existing Functioning Open Space (Map B **CD 4.03B**).
- 2.3. In response, this area of planting (for reference this is a small part of land parcels 52 and 83, c.90 sqm) is inaccessible and was created separately (some years before) to the Gardens and is not considered to be ‘laid out as public garden’ nor does it have any recreational qualities. It is therefore not within the Gardens definition. For these reasons it has not been included in Maps A and B.

Site visits

- 2.4. This is in reference to comments, mentioned on page 1 of Mrs Holman's statement, about the architect and client not having site meetings and the architect not viewing the site from the river.
- 2.5. The site was visited on numerous occasions in the course of developing the design during the competition phase and the site was viewed from up river, down river, from Eel Pie Island and from the bridge and computer generated images were produced of the proposals from these locations. It is not clear that viewing it from the river itself would have changed anything and to claim that this represents a "startling absence of rigour" is exaggerated and inaccurate. . There was a lack of meetings taking place on site from March 2020 due to the Covid 19 restrictions that were in place at the time but given the visits that had taken place earlier and the wealth of survey data, 3D models and photographs that existed of the site we do not feel that this in any way affected the development of the design.

Areas within Maps A and B which are not open space

- 2.6. This is in reference to the comments, mentioned on page 4 and 5 of Mrs Holman's statement, that Map L (**CD 4.03L**) shows the extent of the Future Designated Open Space or Future Functioning Open Space and that Maps A and B contain other land, such as walkways up against buildings, that is not open space.
- 2.7. This section starts with a valid point about how the general public experience open space and it not being about lines or "different shades of green on maps" but then immediately starts arguing that the Future Open Space is constrained by an imaginary 'breathing' space around the buildings that cannot be counted as open space. It is considered that most people would perceive the open space as going up to the building and this would include the space used for outdoor seating and this was the point of the plans labelled as Functioning Open Space.

Areas classified as Future Designated Open Space that shouldn't be

- 2.8. This is in reference to comments, mentioned on pages 16 to 22 of Mrs Holman's statement, where Future Designated Open Space is near areas where vehicular movements will be taking place.

- 2.9. Mrs Holman's statement makes reference to the use of the top part of Water Lane / Church Street entrance being used as a takeaway food delivery 'service area' (photos on page 15 of Mrs Holman's statement) and suggests that this will put people off using the Future Open Space. Church Street is a very popular destination, and it does not seem to be putting people off dining outside and enjoying this space. ? The top of Water Lane at present is not a welcoming place and this is probably partly why it is being used as an informal 'service area', though the images show all but one of the motorised vehicles on the highway. The Scheme proposals would significantly transform the entrance into Water Lane by making it a more open and welcoming place and opening up views through to the river and the open space adjacent to the river. The issue with deliveries is one of enforcement, rather than design.
- 2.10. Reference is then made to the small piece of Future Designated Open Space at the junction of Wharf Lane and the service road which is referred to as the 'Wharf Lane Building Forecourt' (for reference this is part of land parcel 86 and 87). Reference is then made to the Richmond Design Review Panel (DRP) report from June 2021 highlighting a comment they had about a wheelchair accessible parking space creating an "unwelcome pinch point" at the entrance into the gardens. What it fails to mention is that in the preceding paragraph the planning Officer's Report stated "A few recommendations have not been taken forward, summarised in Table 8. The failure to do so would not result in the scheme being of 'poor design', rather it is deemed such recommendation would only enrich and improve the scheme, keeping quality to the fore". (para 8.141) It should also be noted that following the meeting with the DRP in June the design was adjusted and whilst it wasn't possible to remove the parking space (due to there being no viable alternative location available) it was pushed back to make the entrance wider and more welcoming and two additional trees were added in front of it. Mrs Holman claims "In contrast, the existing entrance to the Diamond Jubilee Gardens, visible from King St, is flanked on either side by two Indian Bean trees, heralding the green and open aspect that lies beyond" (pages 18 & 19). In fact, once you are past the Indian Bean trees one is faced with a view of a large piece of artificial grass and a series of hedges 1.5 to 1.8 metres in height that block any distant views. By contrast with the open space proposed in the Scheme once one is past the wheelchair accessible parking space and round the corner into the main open space one benefits from open views across the play area and petanque courts to the Embankment and river in one direction and through to Water Lane in the other. With regard to the point about the north elevation of Wharf Lane being described by the

Planning Officer as being “inferior” we would dispute this and disagree with her position that all elevations need to be treated in the same manner.

Wharf Lane western walkway included in Future Designated Open Space

- 2.11. This is in reference to comments, mentioned on pages 22 to 28 of Mrs Holman’s statement, about the inclusion of the walkway to the west of the Wharf Lane building being included in Future Designated Open Space when it has no amenity value.
- 2.12. In response, this area is accessible and connects to other areas of open space (for reference this is part of land parcel 76 nearest Wharf Lane), including the area at the end of the Wharf Lane building and the entrance to the open space at the top of the Wharf Lane building. While not the same as other parts of the Future Open Space the space could still accommodate recreational activities such as informal play (eg teaching young kids to ride a bike etc). It is not agreed that this should not be included in the calculations of open space.

Pétanque pitch comparisons

- 2.13. There are a number of specific points raised, which are as follows:
 - 2.13.1. Current pétanque area includes circulation space
 - 2.13.2. Current area has seating
 - 2.13.3. Current area enjoys year round sunshine
- 2.14. In response to the first and second points, mentioned on page 29 of Mrs Holman’s statement, there will be plenty of opportunity for players and observers to enjoy the new pétanque area and there will be seating.
- 2.15. In response to the third point, mentioned on page 29 of Mrs Holman’s statement, the assertion that “the proposed petanque pitches will be sitting beneath the shadow of the Wharf Lane building for much of the year” is a clear exaggeration. The Wharf Lane building sits to the southwest of the pétanque pitches and the element that abuts the pitches is three storeys in height with a pitched roof. As such even at the equinox in March and September the future pétanque pitches would be in full sunshine until at least 12.30 pm when the first shadow would start to fall on the end of one of the

two pitches, in summer that point is reached about 3pm. (See sunlight and shadow studies **CD 3.07**)

Playground comparisons

- 2.16. There are a number of specific points raised on page 29 of the statement, which are as follows:
- 2.16.1. Should not be defined as discrete area of surface material
 - 2.16.2. Council is being misleading about the size of the existing play area
 - 2.16.3. Play area needs to forward plan for future population increases
 - 2.16.4. Richmond's Design Review Panel has concerns about cramming functions into the part of the site that doesn't flood
- 2.17. In response to the first and second points, mentioned on pages 29 to 33 of Mrs Holman's statement about areas, the same could be said for the future play space as that is bounded by circulation space that could be said to form the same function as the space around the spongy surface in the existing. The Planning application was based on looking at the area used to support play equipment with 187.5sqm of spongy play surface plus 63 sqm of sand pit in the existing compared to 377 sqm of play surface plus 40 sqm of sensory play in the future open space. When preparing my evidence (paragraphs 10.39 and 10.44 and table 2) I gave them the benefit of the doubt and included the circulation with the hedge/fenced area for the existing but even so this came out less than the pure play space in the Future Open Space (without any circulation space added).
- 2.18. In response to the third point, mentioned on page 32 of Mrs Holman's statement, play infrastructure requirements has been deal with via the planning process. The Planning report (**CD 3.37**) gives detail of this in paragraphs 1.15 and 8.324 to 8.331.
- 2.19. In response to the fourth point, mentioned on page 32 of Mrs Holman's statement, about the Design Review Panel expressing concern about "cramming functions" it should be noted that this was made at their first meeting and was not made specifically about the play area but was more of a general comment that reflected them coming to terms with the fact that it is a constrained site.

Seating provision

- 2.20. On page 33 of Mrs Holman's statement, it is stated that not all the existing seating, which includes low walled seating, have been considered.
- 2.21. In response, there was regard to all the features of the existing space and there will be ample seating (including the terraced seating) across the Future Open Space.

Event Space

- 2.22. There are a number of points raised on pages 35 to 41 of the statement as follows:
- 2.22.1. No day to day or regular activities have been outlined for the new event space. The existing space has function/amenity value all year round.
- 2.22.2. Current event space is used all year round for ball games etc
- 2.22.3. General amenity of future event space beyond events
- 2.22.4. Impact of cycling on future event space (both for events and other activities)
- 2.23. In response to the first three points although it has been called an event space there is absolutely no reason why it cannot be used for other activities / amenity value.. With the terraced seating round two sides and access to the river on the other there is potential for using the space for other exciting activities or events linked to activity on the river, small impromptu spectator events and such that would not be possible with the current event space.
- 2.24. In response to the fourth point, mentioned on page 40 of Mrs Holman's statement, the issue of impact of cyclists on future events, given the large amount of contiguous paving on the embankment and alternative routes it should be possible to set up a diversion around an event or alternatively set up a temporary closure for a special event.

Proximity of the event space to the river Thames

- 2.25. On page 41 of Mrs Holman's statement, it is stated that the new event space is in Flood Zone 1 and therefore not equal in value to existing or future proofed.
- 2.26. In response, this was addressed in my Proof of Evidence (**LBR – 2A**, paragraphs 10.11 to 10.14).

Proximity of the Public House to the proposed open space

- 2.27. This is reference to concerns, mention on page 41 of Mrs Holman's statement, that the Public House will have an impact on the open space, which includes a play area, and the ability of members of the public to enjoy that space.
- 2.28. In response, it should be noted that it is intended to be a gastro pub or restaurant rather than just a drinking establishment with conditioned/restricted licencing hours. The location of such a facility next to a public open space including a play area is not unusual . It should also be noted that the gastro pub/restaurant will be providing toilet facilities that will be accessible to the general public that will be an advantage over the current provision. There are several relevant planning conditions in respect of this unit, including NS82 which requires the submission of a Noise Management Plan and NS108 which states the hours of use.

3. TRANSPORT AND HIGHWAYS

- 3.1. This section is being addressed by Nick O'Donnell. Details of Mr O'Donnell's qualifications and experience are set out in his main Proof of Evidence (**LBR – 3A**).

Car free riverside

- 3.2. This is in reference to comments, mentioned on pages 6 to 9 of Mrs Holman's statement, that other areas of the riverside (Water Lane/the Embankment to the east) will still have cars and that while this is a positive element on the Scheme Land this could be achieved without the use of CPO powers.
- 3.3. Whilst it is correct that the removal of on-street vehicular parking from The Embankment can be delivered without the Council having to use Compulsory Purchase Powers, the removal of vehicular parking from The Embankment and the reduction in vehicular trips in this area is only one of the objectives of the Scheme, which the Council does need the CPO to implement in full.

Wider CPZ work

- 3.4. This is in reference to comments, mentioned on pages 8 to 10 of Mrs Holman's statement, that the Committee reports related to the wider CPZ work state that the full impact of the removal of parking is not known and that despite having the relevant powers for two years the Council has not implemented changes to see the impact.

- 3.5. In Paragraph 6, page 6 of her proof of Evidence, Ms Holman states that that removing existing on-street vehicular parking bays on the Embankment, and making existing parking bays on The Riverside residents only bays, could result in the Riverside accommodating more vehicular trips and the spaces being more heavily used as a result of residents having to park there instead of on the Embankment. In response to this, the Council considers that the impact on the Riverside would be acceptable as on-street vehicular parking bays already exist and can currently be used by residents, albeit as shared use bays between residents and pay and display users.
- 3.6. In response to the statements made from point 1 on page 9 to point 3 on page 10 of Ms Holman's Proof of Evidence, the plan to make the Experimental Traffic Orders was approved with the intention to partly or fully mitigate the removal of the parking spaces on The Embankment as part of an approved scheme. Due to this and to allow the parking spaces to be used until removal at the required stage of the project construction, it was felt appropriate not to remove them at an earlier date. In addition, applying this approach will allow for the statutory Experimental Traffic Order process to be executed when the spaces are removed and the mitigating measures are in place. Representations invited as part of the process will be considered to see if further changes need to be considered.
- 3.7. In response to the point raised that the eastern side of the carriageway on Water Lane could become a continuous stretch of parked vehicles in the future, because of the Scheme, this point was addressed as part of the planning permission. As set out in Para. 6.2.2 of the Transport and Highways Proof of Evidence (**LBR – 3A**), the only bays that will be provided when the Scheme is first occupied are the loading bay, which is an existing loading bay that will be relocated, and the motorcycle parking bay. The two newly proposed blue badge disabled parking bays will be implemented if residents of the new development need them, in accordance with London Plan Policy T6.1.

Impact of vehicular movements on the scheme

- 3.8. There are a number of points raised, mentioned on pages 10 to 22 of Mrs Holman's statement, as follows:
- 3.8.1. Increased vehicle movements on Water Lane and the impact this will have
- 3.8.2. Impact on public open space adjacent to Water Lane and the Embankment due to servicing / deliveries

- 3.8.3. Blind spot in surveys carried out by the Council
- 3.8.4. Council suggesting there are just nine delivery movements a day associated with Eel Pie Island which is a considerable underestimation
- 3.8.5. The top of Water Lane (entrance to Church Street) has become an area for takeaway food delivery vehicles to wait
- 3.9. In response to the first point, Tables 6.17 to 6.24 of both the initial and updated versions of the Transport Assessment (**CD 3.14 and CD 4.08**) show that the Scheme will lead to a net increase of 22 servicing vehicular trips per 12-hour 07.00-19.00 standard assessment day. The planning application used a nationally recognised trip generation database to forecast that all but one of these trips will be made by light goods vehicles. This methodology and its conclusions were accepted by the Local Planning Authority. This matter was discussed extensively during the planning application process. The Council considers that all the existing and forecast servicing vehicular trips can be safely accommodated.
- 3.10. In response to the second point, that service vehicles are using an area adjacent to the Lower Lawns/Exchange Land, and that they are too large to use this area, this matter was discussed extensively during the planning application process. The Council considers that all vehicles that are likely to need to service the Scheme Land can be safely accommodated, as set out in Appendix D of the Transport Assessment of October 2022 (**CD 4.08D**).
- 3.11. In response to the third point, the survey and accompanying photographs were commissioned by the Council to find out how many loading bays might be needed to meet the needs of residents and businesses of Eel Pie Island. The diagram on Page 13 of Ms Holman's Proof of Evidence appears to suggest that the blind spot is the turning area immediately north of the slipway. As set out in **LBR – 3B(02)**, the Experimental Traffic Management Order will be used to install lining to keep the area immediately north of the slipway free of parked vehicles so that all service vehicles can use it to turn safely.
- 3.12. In response to the fourth point, paragraph 8.276 of the Planning Committee Report (**CD 3.37**) sets out how the planning application assessed the existing servicing trips generated by residents and businesses on Eel Pie Island. The Eel Pie Island Association produced photographic and anecdotal evidence which identified that, over a two-day period, Eel Pie Island attracted 19 vehicular servicing trips and that

almost all of these trips were made by car or light goods vehicle. The Council considers that the needs of Eel Pie Island residents and businesses were considered in detail as part of the planning application process and can be accommodated safely within the proposed highway layout that is part of the Scheme.

- 3.13. In response to the fifth point, takeaway delivery vehicles are allowed to use loading bays on the highway as long as they are loading or unloading goods. This is an existing feature of the highway, and the Council considers the impact of these existing vehicular movements is acceptable. Motorists using service vehicles will be allowed to use six other loading bays on The Embankment, three on Wharf Lane, as well as a desiccated motorcycle parking bay on Water Lane, as shown in **LBR – 3B(02)**.

Conflict of cyclist and pedestrians on the future event space

- 3.14. This is in reference to concerns over conflicts between cyclists and pedestrians in the Future Open Space, including during events and when the space is being used for other activities. For example, children playing. This was raised in points 4 and 5 on page 40 of Ms Holman's Proof of Evidence.
- 3.15. In response this is addressed in 2.24 of this rebuttal.