

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**

LBR18-1

IN RESPONSE TO EVIDENCE SUBMITTED BY:

**S-2 W3.1: TWICKENHAM RIVERSIDE TRUST (MARK BROWNRIGG - PLANNING
POLICY EVIDENCE)**

1. **INTRODUCTION**

1.1. This is further proof of evidence (“rebuttal”) by witnesses for the Acquiring Authority in response to the statement prepared by Mark Brownrigg (Twickenham Riverside Trust – S-2) regarding the ‘Incompatibility of the Scheme with the Adopted Local Plan and the Twickenham Area Action Plan’ (W3.1).

1.2. This is not intended to be an exhaustive rebuttal of the contentions made in Mr Brownrigg’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 first rebuttal addresses points raised by Mr Brownrigg 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. **PLANNING (Iyabo Johnson)**

2.1. This section is being addressed by Iyabo Johnson. Details of Ms Johnson’s qualifications and experience are set out in her main Proof of Evidence (**LBR – 4A**).

Local plan

2.2. There are a number of specific points raised, which are as follows:

2.2.1. Selective reference in the Statement of Case and the Planning report to the Local Plan

2.2.2. Council only uses elements of the Local Plan to strengthen its case

2.2.3. New draft Local Plan written in light of the proposed Scheme

2.3. In response to the first and second point, mentioned in paragraph 19 page 3 and paragraph 2 page 1 in the statement respectively, planning permission for the Scheme has already been granted. As set out in paragraph 6.10 of Ms Johnson’s proof, the Planning Committee Report (**CD 3.37**) presents a detailed assessment of the Scheme’s compliance with policy including the TAAP.

2.4. In response to the third point, mentioned in paragraph 29 on page 5 of the statement, Ms Johnson’s Proof of Evidence refers to the emerging new Local Plan. However, the emerging Local Plan is not cited at all in the Planning Committee Report and therefore, no weight was attached to draft policies in the emerging Local Plan in the grant of permission. Nonetheless,

the Scheme is consistent with the emerging Local Plan which reiterates the need for a comprehensive approach which is set out in the TAAP.

Twickenham Area Action Plan (TAAP)

- 2.5. There are a number of specific points raised, mentioned throughout the statement, which are as follows:
- 2.5.1. Scheme fails to comply with area specific proposals (TW7)
 - 2.5.2. TW7 explicitly excludes building on the Diamond Jubilee Gardens / TAAP principles that only Water Lane should be built on
 - 2.5.3. TAAP seeks to 'enhance and extend the Diamond Jubilee Gardens'
 - 2.5.4. Planning report does not address compatibility of the Scheme with site specific proposals in the TAAP or explain deviations
 - 2.5.5. RIBA Design Brief referred to TAAP but the Council did not ensure the design fully considered the TAAP
- 2.6. In response to all the above points, an assessment of the Scheme's compliance with the planning policy framework for LBRuT including the TAAP is set out in Section 6 of Ms Johnson's Proof of Evidence (**LBR – 4A**) with a detailed assessment of the Scheme's fit with the TAAP at paragraphs 6.75 to 6.96.

Delivery of affordable housing off-site in 2008-9

- 2.7. This is in reference to comments, made on page 6 of the statement, about the affordable housing requirement of the site being discharged through a linked site strategy.
- 2.8. In response to this, this was several years ago and before the Council brought the King Street and Water Lane properties. Notwithstanding, as set out in paragraphs 6.17 of and 6.18 Ms Johnson's Proof of Evidence (**LBR – 4A**), Richmond is subject to housing delivery targets set out in the Local Plan and London Plan. These include delivery targets for Twickenham town centre.

New draft Conservation Area appraisal

- 2.9. This is in reference to comments, mentioned in paragraphs 60 and 61 on page 15, about the new draft Conservation Area appraisal.
- 2.10. In response, the Scheme already has planning permission. The existing Conservation Area appraisal recognises the sense of openness with the Thames described in the new draft

appraisal. Under the heading of 'Character', the existing appraisal notes the 'double curve of the river [which] gives continuing unfolding views of both banks framed by mature trees and foliage'. The Scheme would deliver the sense of openness described in Mr Brownrigg's statement by virtue of the set back from the river and the removal cars from the Embankment that currently detract from the sense of openness. In addition, the Scheme makes the most of the design opportunity presented by the pool site and the temporary landscaping. This design opportunity for this part of the Conservation Area is common to both the existing and emerging appraisals.

Office units in the Wharf Lane building

- 2.11. This is in reference to comments, mentioned in paragraph 66 on page 16 of the statement, that there will be a small number of office units in the Wharf Lane building compared to other uses and no guarantee this use will not be changed in future.
- 2.12. In response to this, condition NS115 controls land uses in the non-residential parts of the Scheme. Part a,iii of the condition prescribes an office use (Class Eg (I)) for the north facing ground floor unit of the Wharf Lane building and prevents any change of use without the prior written consent of the LPA.

Small gain in housing numbers

- 2.13. This is in response to comments, mentioned in paragraph 67 on page 16 of the statement, that the number of housing units in the Scheme is small and the choice of sites is at the Council's discretion and the impact on the Scheme land is disproportionate.
- 2.14. In response, the Council has very little of its own land to develop and it has a duty to deliver housing where it can. Planning policy promotes the delivery of new housing in sustainable locations such as main town centres that are better served by public transport. Twickenham is one of the borough's main centres and is required by policy (along with Richmond town centre) to deliver the highest share of the Borough's requirements for new housing.

3. GENERAL (Paul Chadwick)

- 3.1. This section is being addressed by Paul Chadwick. Details of Mr Chadwick's qualifications and experience are set out in his main Proof of Evidence (**LBR – 1A**).

Trust given 125 year lease

- 3.2. In response to this, while the Trust were given a lease they agreed to be part of the Scheme Land prior to the launch of the RIBA Design Competition. They did this knowing full well that the Gardens may move as a result, and a new open space provided. The Trust inputted into the RIBA Full Design Brief. The Council spent a considerable amount of time negotiating with

the Trust over the new open space and their new lease. Please see **LBR – 5** for more information.

Brownfield register

- 3.3. This is in reference to comments that the Gardens was added to the Brownfield register which allowed the Scheme to develop as it has.
- 3.4. In response to this, the issue of the Gardens being added to the Brownfield register was dealt with during the planning determination process. At the outset of the process the Trust agreed to the Gardens being part of the Scheme Land, as mentioned above in paragraph 3.3. Please see **LBR – 5** for more information.

Presenting the Scheme as a whole

- 3.5. This is in reference to comments, made at the top of page 16 of the statement, that the Statement of Case presents a picture of the Scheme as a whole, rather than taking account of the precise delineation of the land subject to the CPO and the Exchange Land.
- 3.6. In response to this, the CPO and the accompanying Exchange Land proposals are being promoted to secure the development of the Scheme as a whole, for which planning permission has been granted. The Exchange Land forms an integral part of the Scheme as part of the Council's comprehensive approach to the regeneration of the Scheme land.