

**TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 APPEAL**

**BY**

**SHARPES REFINERY SERVICE LIMITED**

**PROOF OF EVIDENCE – PLANNING**

**MARK BATCHELOR BSc (Hons), MSc, MRTPI**

**ON BEHALF OF**

**TWICKENHAM STUDIOS LIMITED**

**Arlington Works, 23-27 Arlington Road  
TWICKENHAM, TW1 2BB**

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## APPENDIX

Appendix One – Documents relating to pre-application enquiry no.1

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Appendix Three – Studios' email exchange with Dawn Roads and the formal offer

Appendix 4 – LSH valuation of the appeal site

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# 1. QUALIFICATIONS AND EXPERIENCE

## Personal Introduction

- 1.1 My name is Mark Batchelor. I have been a Member of the Royal Town Planning Institute since March 2010. I hold a Bachelor of Science Honours Degree in Geography and Town and Country Planning from the University of Birmingham and a Master of Science Degree in Town Planning from University College London.
- 1.2 I am a Director in Boyer's London office. Boyer is a national town planning consultancy and forms part of the Leaders Romans Group. Boyer employs around eighty professional staff covering the specialisms of town planning, masterplanning, architecture and development economics.
- 1.3 I have over 15 years' professional experience in town planning, all of which has been spent in private planning consultancy in London. This includes some 10 years at Robinson Escott Planning, 3 years at Peacock and Smith Limited before joining Boyer in January 2018.
- 1.4 This Proof of Evidence has been prepared on behalf of Twickenham Film Studios ("the Studios") following the submission of an Appeal by Sharpe Refinery Service Ltd. against the decision taken by the London Borough of Richmond-upon-Thames ("the Council") to refuse detailed planning permission at Arlington Works, 23-27 Arlington Road, Twickenham, TW1 2BB (the "Appeal Site"). The development proposed by Sharpe Refinery Service Ltd. ("the appellant") comprises the 'redevelopment of the site to provide 610sqm of commercial space (B Class) within existing Buildings of Townscape Merit plus a new build unit, 24 residential units (5 x 1 bedroom, 12 x 2 bedroom and 7 x 3 bedroom) and associated car parking and landscaping' (the "Appeal Scheme").
- 1.5 My evidence addresses the second reason for refusal which relates to the loss of an industrial site without any proper marketing evidence to demonstrate a lack of demand for continued use within industrial or other employment uses. In addition, my evidence considers the planning balance given the appellant's intention to rely on an argument that the Council is unable to demonstrate a 5 year supply of housing land. In arriving at my conclusions, I have relied upon the evidence of other experts and witnesses, which is set out in other Proofs of Evidence, or in Statements appended to my Proof.
- 1.6 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions.

## Structure of Evidence

- 1.7 The structure of this Planning Proof of Evidence will address the second reason for refusal through assessing the planning position, the Studios' need for additional space, and in respect of the development's impact on the operation of the Studios.



- 1.8 For completeness I include a description of the site and provide a detailed assessment of the relevant planning policies within my evidence.
- 1.9 My evidence should be read alongside the Proof of Evidence prepared by Mr Vohra and the Statement written by Mr Rainbird and where relevant I cross-reference their evidence.

## 2. BACKGROUND

- 2.1 A detailed application for planning permission (dated 10 August 2018) was submitted to the London Borough of Richmond Upon Thames. The application proposed the redevelopment of the appeal site to provide 610sqm of commercial space (within Use Class B1<sup>1</sup>) within the retained Buildings of Townscape Merit (“BTMs”) along with the construction of two new buildings containing 24 residential units (5 one bedroom flats; 12 two bedroom flats; and 7 three bedroom flats) and associated car parking, landscaping and other works.
- 2.2 The appeal site boundary does not follow the boundary walls of the Arlington Works site. Instead, it bisects the car park towards the northern end of the Studios site with these spaces that the Studios relies upon being lost.
- 2.3 In addition, the appeal site boundary along the access road excludes the area beneath the overhang of the adjoining Studios building (the Sound Centre). There is a run of parking spaces along this access road, the realignment of which the appeal proposal enforces with a further loss of parking spaces. I understand that there was very limited engagement with the Studios during the course of the preparation of the application in order to allow the appellant to understand how the Studios uses these spaces and what the impact of these changes might be.
- 2.4 As addressed in the Mr Rainbird’s Statement (see paragraph 1.3) at the start of 2020, The Creative District Improvement Company (TCDI) acquired the Twickenham Studios with the intention of developing the site and enhancing the facility. As Mr Rainbird notes at paragraph 1.4, the creative industries represent one of the fastest growing sectors in the economy and television and film studios which TCDI operate across the country are subject of considerable investment in order to attract new business and remain competitive.
- 2.5 I am acting on behalf of Twickenham Studios, advising on the expansion of the existing facility, both in respect of the construction of new buildings and the extension of existing buildings within the site, as well as the potential for the Studios to expand across the appeal site. Two pre-application enquiries have been submitted to the Council (see relevant documents of enquiry no.1 at **APPENDIX 1** and documents relevant to enquiry no.2 at **APPENDIX 2**) and the latest proposal has been presented to a Design Review Panel.
- 2.6 A detailed planning application for the expansion of the Studios will be submitted to LB Richmond in January 2021 and relevant details will be provided by way of an update.
- 2.7 As Mr Vohra explains in his Proof at paragraphs 1.28 - 1.31, the Studios has historically engaged with the appellants in connection with the proposed purchase of the site in order to facilitate the expansion and enhancement of the Studios.
- 2.8 The Studios’ desire to purchase the appeal site remains.

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<sup>1</sup> Following the update to the Use Classes Order in September 2020, it remains to be seen what use, or uses the appellant now proposes. Previous Use Class B1 has been absorbed by Use Class E.

- 2.9 On 04 July 2020, Ms D Roads (Director of Sharpe Refinery Service (Hydro-Carbons) Ltd) wrote to Mr P Read (Managing Partner of Twickenham Studios), offering the site for sale for the sum of £7,500,000. Ms Roads explained in her email that this is what they consider the site to be worth if planning permission is obtained for the development being proposed in this appeal. That valuation does not, of course, represent the market value of the property in its current use and current quality.
- 2.10 On 14 October 2020, Mr Read wrote to Ms Roads and offered £1,500,000 to purchase the site. This offer exceeded the existing use value detailed in the appellant's Financial Viability Appraisal and also exceeded the value calculated by Lambert Smith Hampton ("LSH") in a previous valuation assessment (a copy of which is already in Ms Roads' possession). In his email, Mr Read explained that the offer is considered to exceed the value of the site in its current use and current quality but that the Studios is prepared to enter into dialogue in respect of the site's value. No response was received from Ms Roads.
- 2.11 Mr Read sent a further email dated 18 November 2020 to chase a response but again, no response was received.
- 2.12 Full details of the email exchange are enclosed at **Appendix 3**.
- 2.13 Recently the Studios has again commissioned LSH to update its valuation of the appeal site and a copy of this report is attached at **Appendix 4**. This report confirms at page 25 that based on the existing use and existing condition of the buildings, the appeal site is valued at £1,400,000.

### 3. PLANNING POLICY CONTEXT

#### National Planning Policy Framework 2019 (NPPF)

- 3.1 In February 2019, the National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government. The NPPF sets out the Government's economic, environmental, and social planning policies for England; it states that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development can be defined as development which meets the needs of the present without compromising the ability of future generations to meet their own needs. In terms of economic sustainability, the NPPF supports the building of a strong, responsive and competitive economy. It sets out to achieve this by ensuring that sufficient land of the right type is available in the right place and at the right time in order to support economic growth, innovation and improved productivity.
- 3.2 At the very heart of this objective is the acknowledgement that growth is necessary to enable the country and our communities to support themselves. Growth and development must happen in order to accommodate the needs of a growing population, through the provision of employment and the generation of economic growth.
- 3.3 Section 6 of the NPPF relates to building a strong, competitive economy and in paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It further states that weight should be placed on the need to support economic growth and productivity, so that Britain can be a global leader in driving innovation and productivity.
- 3.4 Paragraph 82 requires planning policies and decisions to recognise and address the specific locational requirements of different sectors, making provision for clusters or networks of creative or high technology industries.
- 3.5 Section 15 of the NPPF deals with conserving and enhancing the natural environment with paragraph 182 addressing the Agents of Change principle. The paragraph requires that policies and decisions ensure that new development does not have an unacceptable impact on existing businesses and communities which surround a development site.

#### London Plan

- 3.6 On 09 December 2020, the Mayor of London wrote to the Secretary of State for Housing, Communities and Local Government to advise of his intention to adopt the Intend to Publish version of the London Plan, incorporating the Directions issued by the Secretary of State in March 2020. Mayor Khan indicated his intention to adopt the plan on 21 December 2020. On 10 December 2020, the Secretary of State issued a response, accepting the suggested minor amendments to the Directions and making two further minor Directions, after which the Plan can be adopted.

- 3.7 In the light of this development and the likelihood that the new London Plan will be in place by the time the Inquiry opens, I do not discuss the objectives of the policies within the existing London Plan (2016). Accordingly, my evidence only deals with ITPLP although the Appellant's Statement of Case deals with the adopted London Plan policies.
- 3.8 Chapter 1 sets out the Mayor's objectives for Good Growth in London. This is growth that is socially and economically inclusive and environmentally sustainable. The objectives set out in Chapter 1 of the emerging plan underpin the whole Plan and each policy. To ensure that London's future growth is "good growth", each of the policy areas is informed by a good growth objective. Objective GG5 sets out the Mayor's objective to grow London's economy. The objective explains the aim to enhance London's global economic competitiveness with the city's success being shared amongst all Londoners. It explains that planning and development must seek to ensure that London's economy diversifies and that the associated benefits of this are shared more equally across the city. Criterion C is of particular relevance in that it explains that planning and development should plan for *"sufficient employment and industrial space in the right locations to support economic development and regeneration"*.
- 3.9 The supporting text at paragraph 1.5.1 notes London's unique strength in the creative industries as well as in other sectors and explains that the wealth this generates "is essential to keeping the whole country functioning".
- 3.10 Paragraph 1.5.6 states that Britain's exit from the EU will put pressure on London's economy and explains that the need to strengthen and diversify London's business base will be evermore important. Achieving this in a way that spreads London's success more evenly across the City is noted as being an important part of delivering Good Growth and emphasises the need to support employment generating development in areas other than those specifically designated for industrial and employment purposes.
- 3.11 Emerging Policy D13 addresses the Agent of Change principle and sets out to ensure that new development does not have any unacceptable impact on existing surrounding businesses or residents. Part C of the policy explains that new noise and other nuisance generating development being proposed close to sensitive uses should put in place measures to mitigate and manage unacceptable impacts. Part D requires, inter alia, that mitigation measures should be explored early in the design stage and part E explains that planning permission should not be granted for development which has not clearly demonstrated how noise and other nuisances will be mitigated and managed.
- 3.12 Emerging Policy E2 relates to the provision of suitable business space and explains that policies should support the provision and protection of a range of B Use Class business space. Criterion C explains that where development proposals would involve the loss of B Class space, they should demonstrate that there is no reasonable prospect of the site being used for business purposes, or ensure that an equivalent amount of B Class space is re-provided.
- 3.13 Paragraph 6.2.3 explains that smaller occupiers and creative businesses are particularly vulnerable and sensitive to even small fluctuations in costs.

- 3.14 The text at paragraph 6.2.7 makes reference to paragraph 6.7.5 (associated with Policy E7) and which sets out the Mayor's policy test for demonstrating that there is no reasonable prospect of non-designated industrial sites (such as the appeal site) being used for "industrial and related purposes". It is explained that evidence should include:
- a strategic and local assessment of demand;
  - evidence of vacancy and marketing with appropriate lease terms and at market rates suitable for the type, use and size (for at least 12 months, or greater if required by a local DPD), and where the premises are derelict or obsolete, offered with the potential for redevelopment to meet the needs of modern industrial users;
  - evidence that the scope for mixed use intensification with industrial uses has been explored fully.
- 3.15 Policy E4 (Land for industry, logistics and services to support London's economic function) seeks to provide and maintain a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions, including light and general industry (Use Classes B1c and B2). The appeal site falls under Part B3 as a 'Non-Designated Industrial Site'. Part C states industrial land capacity across the three categories should be retained and enhanced, having regard to borough-level categorisations in Table 6.2, where Richmond is categorised as 'Retain capacity'. Paragraph 6.4.10 notes that boroughs in the 'Retain' category "should seek to intensify industrial floorspace capacity following the general principle of no net loss".
- 3.16 Paragraph 6.4.1. highlights how a wide range of industrial, logistics and related uses are essential to the functioning of London's economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities for Londoners.
- 3.17 Paragraph 6.4.4. notes that research for the GLA indicates there will be positive net demand for industrial land in London over the period 2016 to 2041.
- 3.18 Emerging Policy E7 (Industrial intensification, co-location and substitution) supports the intensification of business uses in Use Classes B1c (now Use Class E(g)), B2 and B8 occupying all categories of industrial land. Part C states that Mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:
- There is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of the Policy E4; or
  - It has been allocated in an adopted Local Development Plan for residential or mixed-used development; or
  - Industrial, storage or distribution floorspace is provided as part of mixed-used intensification.

- 3.19 Policy HC5 (Supporting London's culture and creative industries) supports the continued growth and evolution of London's diverse cultural facilities and creative industries and protects existing cultural venues. It explains that this growth can be achieved through the intensification of an industrial area.
- 3.20 Paragraph 7.5.2 and 7.5.3 note the importance of London's culture sector and the creative industries, which deliver both economic and social benefits for the capital. In 2015, the Gross Value Added (GVA) of the creative industries in London was estimated at £42 billion, accounting for just under half of the UK total from these industries, and contributing 11.1 per cent to London's total GVA.
- 3.21 Despite this generally positive picture, paragraph 7.5.4. describes the struggle that creative industries face when trying to find sufficient venues to grow and thrive, and as a consequence of London's competitive land market, they tend to lose out on essential spaces and venues for cultural production.
- 3.22 Policy HC5 and the supportive text are not subject to any objections and as such should be afforded very significant weight in this appeal.

#### **Local Plan (Adopted 2018)**

- 3.23 In refusing permission, the Council identified conflict with Local Plan Policy LP42 and as discussed below, we would suggest that Policy LP40 is also of relevance.
- 3.24 Policy LP40 sets out to protect land which is in employment use with part 4 of the policy explaining that proposals for mixed use development should retain and enhance the level of existing employment floorspace.
- 3.25 Policy LP41 creates a presumption against the loss of office floorspace in all parts of the borough. If there is to be any loss this will only be permitted where robust and compelling evidence is provided which demonstrates that there is no longer demand for an office based use in this location and there is not likely to be in the foreseeable future. This must include a full and proper marketing exercise in accordance with Appendix 5. If that is satisfied there still needs to be a sequential approach to redevelopment or change of use with redevelopment for alternative employment uses being the first priority.
- 3.26 Policy LP42 relates to industrial space and sets out at part A.1 that there is a presumption against the loss of such land across the Borough. Any loss will only be permitted where there is robust evidence of an unsuccessful full and proper marketing exercise (the requirements for which are set out at Appendix 5 of the Local Plan) of the site at a realistic price for the existing use or an alternative industrial use carried out for at least 2 years. Part A.2 then requires that development must adopt a sequential approach with redevelopment for office or other employment uses being preferred ahead of any development involving residential accommodation.

- 3.27 The Marketing Requirements in Appendix 5 of the Local Plan outline what evidence is to be submitted for applications involving the loss of certain uses to provide justification that those sites are no longer required for their existing uses. The text at paragraph 18.0.2 makes clear the Council's expectation that the marketing requirements will be met in all cases. Paragraph 18.0.3 sets out the following 4 tests which must be met in any marketing campaign:
- Be ongoing for a minimum period of two continuous years;
  - Be through a commercial agent;
  - The property should be marketed on property databases, search engines and other relevant websites which focus on the sale or letting of commercial premises, which are free to view and easily accessible by prospective purchasers/ tenants;
  - Prices should be commensurate with the existing quality and location of the premises.
- 3.28 Paragraph 18.0.4 explains that a marketing report must be submitted with all applications and should include information in respect of previous occupiers; marketing dates; land uses marketed; copies of relevant agent's marketing particulars; pricing details, including any reductions offered and evidence that the price genuinely reflects the market value of the property in its current use and quality; details of marketing methods (i.e. website, press, direct marketing, marketing board); and details of the outcomes, including expressions of interest and offers.
- 3.29 Paragraph 18.0.5 explains that all marketing undertaken must meet the requirements set out at 18.0.3 and that the marketing report must include the details set out at 18.0.4.
- 3.30 Paragraph 18.0.12 deals with specific marketing requirements for industrial land and business parks (B1c, B2, B8 and Sui Generis use classes). It explains that where a proposal involves a change of use or redevelopment resulting in a loss of industrial space, marketing must clearly demonstrate that there is no longer demand for an industrial based use in this location and that there is not likely to be in the foreseeable future.
- 3.31 In particular, the paragraph emphasises that attempts to market poorer quality premises should be on the basis of their present condition, and not on their potential for redevelopment in other employment uses, or proposing housing as the only viable option. Furthermore, the text refers back to the sequential test outlined at Policy LP42, requiring that if marketing for an alternative industrial use is not forthcoming then consideration should be given to alternative employment generating uses including, in the first instance, B use classes such as offices and if these are not practicable then social infrastructure and community uses.
- 3.32 Policies LP40, LP41 and LP42 are in general conformity with the overarching aims of the NPPF and the emerging London Plan Policies. Accordingly they carry full weight.



## 4. USE CLASSES ORDER

- 4.1 On 21 July 2020, Government announced sweeping changes to the Use Classes Order, the effect being that from 01 September 2020, the use of commercial land will fall within new and more flexible Use Classes.
- 4.2 New Use Class E relates to commercial, business and service uses and comprises previous Use Classes A1, A2, A3, B1 and elements of Use Classes D1 and D2. New Use Class F relates to learning and non-residential institutions and local community uses and comprises elements of current Use Classes D1 and D2 and includes uses such as schools, museums, libraries, places of worship and swimming baths.
- 4.3 Operations currently carried out within Use Classes B2 and B8 will continue to be categorised as such.
- 4.4 The Council's policies make clear that where a development will result in the loss of industrial or similar employment floorspace, the applicant must first demonstrate that there is no demand for an alternative industrial or other employment use (which includes B1c uses (now Class E(g)) such as that carried out at Twickenham Studios). Accordingly, the change to the Use Classes Order does not affect the policy requirement for existing industrial land in the Borough to be reused for other industrial and employment purposes in preference to residential redevelopment.
- 4.5 The change to the Use Classes Order does not have any impact on the approach to the consideration and application of the policies in the Local Plan, which still carry full weight.

## 5. EVIDENCE

- 5.1 The Studios' objection to the appeal proposal focusses on the second reason for refusal together with concerns surrounding loss of car parking and the impact of the building works on the operation of the Studios. The latter two points are addressed in Mr Vohra's Proof.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2008) sets out that the starting point for the determination of planning applications are the policies in the development plan unless material considerations indicate otherwise. In this case, there are no material considerations relevant to the Council's second reason for refusal which would indicate a starting point other than the relevant planning policy objectives set out in the development plan and in the NPPF. In fact the material considerations of supporting the recovery and growth of the national and local economy, especially during a global pandemic and in the lead up to the UK leaving the EU strongly support the reason for refusal.
- 5.3 My evidence deals with the policy position concerning the loss of the existing industrial use and the clear conflict with policy arising from the proposed development. Additionally, given the appellant's previous reference to the use of permitted development rights to establish residential use on the site, I assess this in detail. Finally, given the appellant's apparent intention to rely on a 5 year housing land supply argument, I also address the matter of planning balance.

### **Loss of industrial Use**

- 5.4 Together emerging London Plan and Local Plan Policies E7, LP40 and LP42 set out a strong presumption against the loss of industrial land, indeed Policy LP42 identifies at the outset that the Borough *"has a very limited supply of industrial floorspace..."*. Part A.1 of the policy explains that there is a presumption against the loss of industrial land in all parts of the Borough with losses only being permitted where there is robust and compelling evidence which clearly demonstrates that there is no longer demand for an industrial based use and that there is not likely to be in the foreseeable future. The policy explains that such evidence will comprise a full and proper marketing exercise at realistic prices for both the existing use or alternative industrial use carried out across a minimum continuous period of 2 years.
- 5.5 First, this policy test makes clear that in order for the loss of industrial use to be acceptable, it must be demonstrated by the applicant that there is no demand for an industrial based use either now, or in the foreseeable future. In this case, it is clear that there is significant demand from Twickenham Studios for the use of the site, both now and in the future. This fact is long-established with formal offers having been made both historically and in the recent past. Indeed, it is relevant to note that the recent offer made by the Studios exceeds the market value of the appeal site in its current use and current quality.

- 5.6 The Council defines industrial land at paragraph 10.3.1 of the Local Plan as follows:  
“‘industrial land’ ... covers land used for general industry, light industry, warehouses, open storage, distribution and logistics and other similar types of employment as well as any other uses which fall within the B1c, B2 or B8 Use Classes or are considered to be Sui Generis.”  
Thus it is the case that in considering this issue and the Studios’ objection, regard must be had not only to the potential for the use of the appeal site by other B1/B2 tenants, but also those who operate within similar employment uses; this is of course easily wide enough to include Twickenham Studios.
- 5.7 Second, the test at Part A of Policy LP42 makes clear that a marketing exercise running for a continuous period of at least 24 months must be undertaken and it should, as a matter of fact, be agreed common ground between the parties that this requirement has not been met. In fact, it should also reasonably have been agreed by the parties that no marketing exercise has been undertaken.
- 5.8 In the absence of any marketing exercise having been initiated, Twickenham Studios’ overt interest in the purchase of the site in order to expand the existing facility and the formal off-market offers made by the Studios to purchase the site at a price in excess of the existing market value, it is unequivocally the case that the appeal fails to meet the test at Policy LP42A.1.
- 5.9 The lack of available employment and industrial land in Richmond results in all such sites being treated equally in Policy LP42. In the Inspector’s Report on the draft Local Plan (April 2018; see **Appendix 5**) he acknowledges at paragraph 99 that the Borough “*has experienced losses of industrial land of a higher rate than anticipated and that it retains positive demand for industrial space in the future. I am mindful that the Borough is categorised as a ‘restricted transfer’ Borough by the GLA and that its rate of land release has been exceeding anticipated levels. The Council aims to carefully manage its industrial land and floorspace stock. As a consequence, Policy LP42 seeks to protect and where possible enhance its existing industrial land which is a logical and justified response to the available evidence across the Borough.*”

- 5.10 The Inspector's Report continues at paragraph 100 *"Policy LP42 carries a presumption against the loss of industrial land in all parts of the Borough. With regard to the available evidence, this is justified. Where industrial space is not located in the identified locally important industrial land and business parks, the Policy allows for its loss where robust and compelling evidence is provided and following the application of a sequential approach. This would enable the consideration of redevelopment proposals for office or alternative employment uses or mixed uses including employment or community activity. Once again this is adequately justified by the evidence. I appreciate that the Council's Development Management Plan makes reference to the potential loss of employment land in locations with **severe site restrictions** which is not explicitly reflected in Policy LP 42. However, I consider that criterion 1 of LP 42 allows for the submission of compelling evidence which clearly demonstrates the absence of demand for industrial based uses in such locations and therefore a modification to the submitted policy is not necessary to ensure flexibility and soundness."*
- 5.11 Finally, at paragraph 101, the Inspector's Report states, *"The two year marketing period is lengthy but not unreasonable in the context of a Borough with high levels of occupancy and a minimal stock of land. I find that the detail contained within Appendix 5, whilst potentially prescriptive, is capable of appropriate and proportionate application such that it will provide an effective process to manage the provision of industrial space."*
- 5.12 It is evident from the Inspector's findings that there are no specifically designated industrial sites in Richmond because all sites are of importance to the Borough's stock of industrial land and to the Borough's economy. Given the importance of Policy LP42 to the protection of sufficient industrial land in Richmond and ultimately to the Borough's economy, it is my opinion that if a development conflicts with the policy then it is in conflict with the Plan as a whole.
- 5.13 As I set out at paragraph 5.8 above, the appeal proposal fails at Policy LP42 A.1 and as such, there is no need to move to consider the development against part A.2. However, and without prejudice to my opinion on the development failing the test at A.1, if the Inspector assesses the proposal against part A.2 then the proposal fails here as well.
- 5.14 Policy LP42 A.2 is engaged if the tests at part A.1 are met. In such circumstances, the policy establishes a sequential approach to the redevelopment or change of use of sites, requiring first that consideration is given to a development comprising office or alternative employment uses. Second, a mixed use development including employment, community and residential uses can be considered providing it does not adversely impact on the other uses and maximises affordable housing.

- 5.15 The correct sequential approach to the proposed redevelopment of the site has not been followed. The appellant has produced no evidence to indicate that redevelopment for office or other employment uses would not be viable. Indeed, as addressed in his Statement at paragraph 1.11, Mr Rainbird makes clear the Studios' desire to expand across the appeal site to deliver a world class tech and innovation hub for picture and special effects to complement the Sound Centre, which adjoins the appeal site and which Mr Vohra explains at paragraph 1.23 of his Proof of Evidence is where the Studios makes most of its profit.
- 5.16 Initial pre-application discussions held with the Council concerning the proposed redevelopment of the appeal site<sup>2</sup> as part of an expanded Studios facility were positive. On the principle of development, the Council concluded at page 19 of its pre-application advice that the redevelopment of the appeal site for employment uses as part of Twickenham Studios would be acceptable.
- 5.17 In considering this issue the Inspector should regard the Studios as having a genuine, long-standing interest in purchasing the appeal site with formal offers having been made with the most recent being in excess of the site's market value based on its current use and current quality. The Studios' desire to purchase the site as part of its planned expansion represents a viable and deliverable alternative development within the meaning of policy.
- 5.18 The appellant has evidently not considered an alternative employment use (for example development as part of an expanded Studios) at the site before moving to propose the mixed use employment and residential development being considered in this appeal. As such, the sequential test at LP42A.2 is failed.
- 5.19 It is a matter of fact which should be accepted and agreed by all the main parties that the site has not been marketed as required by Policy LP42. Indeed, the Featherstone Leigh Marketing Feasibility Report makes clear their instruction was to evaluate the development proposal and to comment on its marketability, not advise on a marketing strategy to identify whether demand exists. It would appear, therefore, that their instruction specifically avoided any requirement for marketing of the site and I can only speculate that the reason for this is that the appellant knows that immediately upon marketing the site, the Studios would have made a formal offer to purchase.

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<sup>2</sup> Named "Site B" in the pre-application documents and in the Council's advice.

### Permitted development changes of use

5.20 During the negotiation of the Statement of Common Ground, the appellants sought to establish that permitted development rights were available which would, through an ambitious daisy chain of changes, facilitate the conversion of some of the employment space at the site into dwellinghouse accommodation. In anticipation of this argument being introduced in evidence, I would make the following observations:

- There is no evidence that existing uses are lawful, or the extent of any lawful uses at the site;
- On the appellant's own evidence in the Featherstone Leigh Report, there has been "no provision for upkeep or maintenance" of the buildings, which they say is not uncommon but "ultimately leads to building and site disrepair which is **impossible to address** on a piecemeal basis"<sup>3</sup>;
- The summary list of issues at pg. 4 of the Featherstone Leigh Report suggests that no prospective tenant within any alternative use could realistically occupy the premises and operate successfully;
- On the appellant's own evidence, the buildings at the site are "long past being fit for purpose"<sup>4</sup>;
- It is questionable whether any of the buildings at the site could properly be put into dwellinghouse use;
- In order for the daisy chain of any permitted development changes to be effective, the new uses would need to be instituted and operated for a material period of time before any subsequent conversion to dwellinghouse accommodation could be proposed. The appellant's evidence states that such a piecemeal approach would be impossible;
- The change from office accommodation to dwellinghouse use is only permitted following the submission of a prior notification application, which must demonstrate that the development would not have adverse impacts on matters of flooding, highways and transportation, noise, contamination, light amenity and (from April 2021) unit size. It cannot reasonably be assumed that any or all of these tests can be passed;
- The Council has powers to remove permitted development through the use of Article 4 Directions. Given the shortage of industrial land in the Borough, it is possible that the Council will issue a Direction to remove any rights which might exist.

5.21 In the light of the above, any suggestion which the appellant makes in respect of a potential permitted development route to establishing dwellinghouse use at the site cannot be afforded any weight. It does not represent a viable, or deliverable fallback option.

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<sup>3</sup> Featherstone Leigh Marketing Feasibility Report (13 June 2018), page 4

<sup>4</sup> Featherstone Leigh Marketing Feasibility Report (13 June 2018), page 5

### Planning balance

- 5.22 In its Statement of Case at paragraphs 4.9-4.23, the appellant introduces an argument that the Council is unable to demonstrate a 5 year supply of housing land. The appellant sets out a notably narrow argument, claiming that paragraph 11d of the NPPF is engaged and that perceived harm arising from the loss of the non-conforming waste facility is outweighed by the significant benefit arising from the delivery of housing and new, modern employment space.
- 5.23 There are two matters arising from this argument. First whether the Council is able to demonstrate a 5 year supply of housing land; and second whether if not, the benefits of the development are significantly and demonstrably outweighed by the harms.
- 5.24 I have not undertaken a forensic assessment of the housing land supply position in Richmond, but I have seen both the most recent AMR (2019/20) and the Housing Supply Interim Position Statement (September 2020).
- 5.25 The AMR identifies a potential 2,219 additional units over the next 5 year period (444 units per annum) which exceeds current (315 additional units per annum) and emerging (411 units per annum) targets.
- 5.26 The more recent Housing Supply Interim Position Statement confirms that the Council has identified 2,208 additional units over the 5 year period to 2024/25, exceeding the current target and the emerging target including the 5% buffer required by the NPPF.
- 5.27 Finally, and relevant to this matter, the results for the 2019 Housing Delivery Test show delivery in Richmond of 121% of its target with no action being required and the 5% NPPF buffer being maintained.
- 5.28 In the light of the evidence available, it is my opinion that because of the good supply and delivery of homes in Richmond, paragraph 11d of the NPPF is not engaged.
- 5.29 The Local Plan notes at Policy LP42 that there is a very limited supply of industrial floorspace in Richmond. This is underpinned in the Intend to Publish London Plan, which identified Richmond as a “retain capacity” authority. Paragraph 6.4.10 of the emerging Plan explains that those Boroughs in the “retain” category should seek to intensify industrial floorspace capacity following the general principle of no net loss across designated sites.
- 5.30 The Richmond Local Plan does not designate industrial or employment sites, although Twickenham Studios is identified<sup>5</sup> as one of a number of locally important industrial sites which are of particular importance to local employment as well as to the creative industries. The reason for this, as set out in the Inspector’s Report, is that there was compelling evidence to demonstrate a higher than anticipated rate of loss of industrial land. Policy LP42 therefore carries a presumption against the loss of industrial land in all parts of the Borough, which the Inspector states was a *“logical and justified response to the available evidence”*.

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<sup>5</sup> Paragraph 10.3.6 of the 2018 Local Plan, associated with Policy LP42.

- 5.31 In this case, the evidence available demonstrates strong housing delivery and a 5 year supply in excess of existing and emerging targets, including the 5% buffer required by the NPPF. Against that, the evidence in Richmond shows a shortage of available industrial space and the current economic climate is such that land needs to be protected in order to support the repair and growth of the UK economy.
- 5.32 The appeal proposal would not only result in the permanent loss of a large amount of employment land, but would also permanently prevent the expansion of one of the Borough's largest employers, which has an immediate requirement to grow and which has repeatedly made offers to purchase the appeal site.
- 5.33 Based on the above, in my assessment, the planning balance in this case falls heavily in favour of a refusal. The proposed development quite clearly fails to pass the relevant tests at Policy LP42 and thus the very principle of development is unacceptable. The harm arising from the loss of the employment use of the site and the prevention of the Studios' ability to expand its operation is very significant and outweighs any benefit which the appellant has identified.

**Unacceptable impacts on the locally important Twickenham Studios.**

- 5.34 Paragraph 180 of the NPPF requires that planning decisions are taken to ensure that new development is appropriate for its location, taking into account "*the sensitivity of the site or the wider area to impacts that could arise from development*".
- 5.35 Emerging London Plan Policy HC5 supports the growth and evolution of London's creative industries and Part A1) explains that development plans and development proposals should protect existing facilities and uses, supporting the development of new venues. Part A2) then explains that plans and proposals should enhance locally distinct clusters of cultural facilities, venues and relates uses, especially where they can provide an anchor of local regeneration and town centre renewal. Paragraph 7.5.2 explains that London's cultural offer is supported by the work of the creative industries, including television and film. It further clarifies that "cultural venues" include premises for cultural production and consumption such as studios, creative industries workspace and cinemas.
- 5.36 Paragraph 7.5.3 advises that London's cultural sector and the creative industries deliver economic and social benefits for London and it notes that in 2015, the Gross Value Add (GVA) of the creative industries was estimated at £42bn, accounting for just under 50% of the UK total and contributing 11.1% to London's total GVA. Given the evidence within Mr Rainbird's Statement (paragraph 1.4), it is evident that this contribution will doubtless have grown since 2015.



- 5.37 While the Richmond Local Plan does not designate industrial sites, part B of Policy LP42 identifies a number of locally important industrial land and business parks. Twickenham Studios is identified such. The policy explains that in these areas, the loss of industrial space will be resisted, the expansion of existing premises will be supported and proposals for non-industrial uses will be resisted where they would impact unacceptably on industrial activities. Given the importance of these sites to Richmond, it is my opinion that reference to “areas” in the policy does not relate only to the specific site (in this case Twickenham Studios), but that the proper interpretation of “areas” is in the wider sense of the word and includes land immediately surrounding the identified sites. In my opinion, it is plainly not the intention of this part of the policy to concern itself only with activities being undertaken on the identified sites, but it intends also to address development proposals around the identified sites’ boundaries so as to ensure that development proposals are not prejudicial to the future successful operation of these locally important sites.
- 5.38 In his Proof of Evidence, Mr Vohra explains (paragraph 1.23) that the Sound Centre at Twickenham Studios drives the business’ profits. He explains that if permission was granted for the appeal proposal, there would be a “*major interruption*” to revenue which would put the business at risk because the Sound Centre, the theatres and Stage One would “*become completely inoperable due to the noise and vibration levels that would be created on site*”.
- 5.39 Echoing this point at paragraph 1.9 of his Statement, Mr Rainbird explains that the Studios’ vision would be jeopardised because of the enormous disruption to the building works on the appeal site would cause. He further explains that the Sound Centre “*is the backbone of our business reputationally and economically*” and that if permission for the proposed development is granted, “*the effect of all this is that works at Arlington disrupting our post-production facilities would cause a substantial financial risk to the Twickenham Studios.*”
- 5.40 At paragraph 1.10 of his Statement of Evidence, Mr Rainbird explains that Twickenham Studios has “*built a worldwide reputation for the best sound theatres for mixing and finishing in the UK*” and he notes that evidence of this is enshrined in the multiple BAFTAs and the Oscar which the Studio has won across the past 3 years.
- 5.41 As is clear from the annotated aerial photograph at Appendix 3 of Mr Vohra’s Proof of Evidence, the Sound Centre lies immediately adjacent to the appeal site and the photographs below which I took from inside the Sound Centre during a visit on 7 December 2020 further illustrate the extremely close relationship between the Sound Centre and the appeal site, underscoring Mr Vohra’s and Mr Rainbird’s arguments that the development will have a significant impact on the operation of the Sound Centre throughout the construction phase.



Image 1: View from Sound Centre towards buildings on the appeal site



Image 2: View from Sound Centre across appeal site towards BTMs



Image 3: View from Sound Centre towards former refinery site

- 5.42 Given this evidence, it is clear that the proposed development of the appeal site would cause significant and damaging disruption to the operation of the Studios, in conflict direct with paragraph 180 of the NPPF, emerging London Plan Policy HC5 A1) and Policy LP42B.

## 6. CONCLUSION

- 6.1 It is my firmly held opinion that the Council's decision to refuse planning permission for the proposed development at its second reason for refusal was reasonable, justifiable and correct given the very clear policy conflicts which exist.
- 6.2 The policy framework against which the second reason for refusal will be considered sets a very clear set of tests which all development proposals must meet in order for permission to be granted.
- 6.3 The backdrop to this reason for refusal is a shortage of industrial space within Richmond Borough and this lack of sufficient space was acknowledged by the Local Plan Inspector, who found that the robust policy protection for industrial sites was justified given the Council's evidence. Local Plan Policy LP42 advises that the Borough has a very limited supply of industrial floorspace and Part A sets out to retain such spaces, confirming that there will be a presumption against losses in all parts of the Borough. Part A.1 explains that the loss of industrial space will only be permitted where there is robust and compelling evidence which clearly demonstrates that there is no longer a demand for an industrial based use now or in the foreseeable future. The policy requires that this is demonstrated by a full and proper marketing campaign lasting for a continuous period of at least 2 years with a realistic asking price being set based on the site's existing use and existing condition. I trust it will be a matter of common ground that there has been no marketing of the site. As such, the appeal fails at Policy LP42A.1.
- 6.4 Even in the event that the Inspector considers the tests at LP42A.2, the proposal fails here too. It requires that a sequential approach is followed to the development of a site with a preference for an office or alternative employment use to be proposed ahead of any proposal including a mix of uses with housing. The appellant has not tested any proposal for redevelopment for office or alternative employment uses and as such, the appeal fails here too.
- 6.5 It is my opinion that given the importance of Policy LP42 to protecting industrial land in the Borough, that for a development to be in conflict with its objectives means that it is in conflict with the development plan as a whole.
- 6.6 The Twickenham Studios campus immediately adjoins the appeal site (indeed the Studios leases a number of its essential car parking spaces from the appellant) and both the Chairman and the new investors have made formal offers to purchase the site from the appellant. The Studios has a genuine need to expand to enhance its global reputation, diversify its facility and attract new business in one of London's and the country's fastest growing and resilient economic sectors.

- 6.7 The appellant seems intent on introducing a 5YLS argument, but the only evidence I have seen indicates that Richmond has a good supply of housing and that delivery has exceeded its targets but a considerable margin. Accordingly, paragraph 11d) of the NPPF is not engaged and even if it was, in a post-Covid world where the UK has also left the EU, the harm arising from the evident threat to the Studios' successful operation and the prevention of the Studios' expansion would very significantly and demonstrably outweigh any limited benefit the appellants might identify in respect of housing delivery.
- 6.8 In the light of the obvious conflicts with the objectives of the NPPF and relevant policy in the development plan and emerging London Plan, it is my firm professional opinion that the Council was correct to refuse planning permission for the second reason for refusal.
- 6.9 I would respectfully request, therefore, that the appeal is dismissed.

## **APPENDIX ONE – DOCUMENTS RELATING TO PRE-APPLICATION ENQUIRY NO.1**

# Twickenham Studios

The Barons, Twickenham TW1 2AW



Version	1.0
Date	July 2019
Project Number	18.141

**guy hollaway**  
ARCHITECTS



## About Us

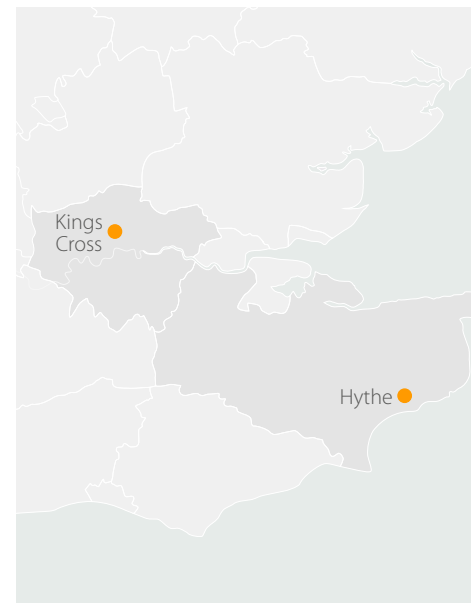
Guy Hollaway Architects is an RIBA award-winning architectural practice that has a strong reputation for high quality design, competing on a national and international level.

Based in Kings Cross, London, and Kent on the South East coast, the firm of 45 staff offer both architecture and interior design expertise. We employ youth and experience in balance and the team is passionately involved in all projects from inception through to completion, ensuring delivery of quality and reinforcement of the design concept. The design processes, in which we sketch, build physical models and create computer visualisations in order to experiment and innovate, delivers architecture that balances sensitive contextual response with elegant functionality.

We are committed to delivering high quality projects that present innovative design solutions and excellent value through careful control of cost and programme that ensure client satisfaction.

For all projects undertaken, regardless of scale or budget, we strive to gain a clear understanding of our client's brief to define clear objectives and requirements. We spend time working with our clients and specialist consultants to identify opportunities, allowing us to investigate design options to produce an optimum proposal.

Underlying the approach to all our projects is an unwavering pursuit of the right solution, meaning that we strive for simple yet subtle designs that work efficiently, have a clear delivery of concept and are enjoyed by end users, and ultimately contribute to the context of place.



- 2019 RIBA Regional Award (Process Gallery)
- 2019 BD Architect of the Year Award shortlisted for Small Project
- 2019 BD Architect of the Year Award shortlisted for Retail & Leisure
- 2018 George Clarke Medal Winner (The Cottage)
- 2018 Property Week Student Accommodation Awards Highly Commended (Palamon Court)
- 2018 What Awards 'Best Luxury House' Silver Winner (Manor Barn)
- 2018 The Sunday Times British Home Awards Winner (The Cottage)
- 2018 AJ Retrofit Awards Finalist (The Cottage)
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- 2014 Kent Design Award (Best Small Project)
- 2013 WAN World Architecture News Facade of the Year (Crit Building)
- 2012 Kent Design Awards Overall Winner (Rocksalt Restaurant)
- 2012 RIBA Downland Award (Rocksalt Restaurant)
- 2012 RIBA Downland Award (The Marquis)
- 2012 Restaurant & Bar Design Award Shortlisted
- 2011 FX International Interior Design Shortlisted
- 2011 WAN Commercial Shortlisted
- 2011 RIBA Downland Prize (Commended)
- 2010 RIBA National Award Shortlisted
- 2010 Kent Design Awards (Best Education Category)
- 2010 Building Design & Construction Award (Best Educational Building)
- 2010 Building Design & Construction Award (Public/ Community Building)
- 2009 Evening Standard New Homes Award Shortlisted
- 2008 RIBA Downland Prize (Residential Leisure)
- 2008 'Britain's Best Home' (Final Six)
- 2007 Kent Design Award (Best Small Project)
- 2007 RIBA Downland Prize (Best Conversion)
- 2007 Kent Design Award (Education Shortlisted)
- 2006 'What House' Award (Best House)
- 2005 RIBA National Award
- 2004 Kent Design Award (Overall Winner)
- 2004 Kent Design Award (Education Category)
- 2000 National Built In Quality Award



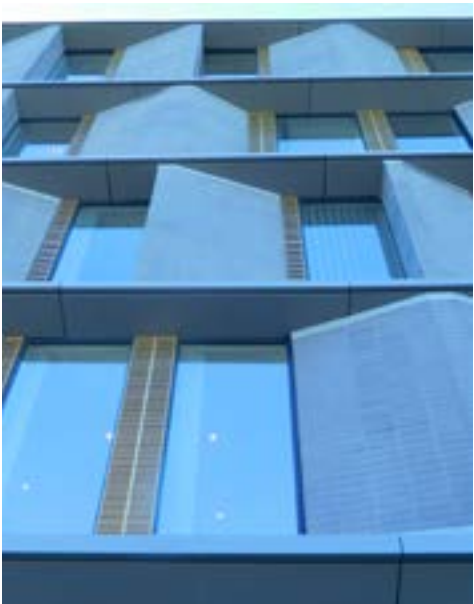
**Urban Sports Park, Folkestone**  
Planning permission 2016  
Currently on site



**Crit Building, Canterbury University**  
World Architecture News Facade of the Year 2014  
RIBA Regional Award 2014



**Slatters Hotel, Canterbury**  
Planning Permission 2017  
Currently on site



**Palamon Court, Canterbury**  
Completed September 2017





The Workshop, Folkestone





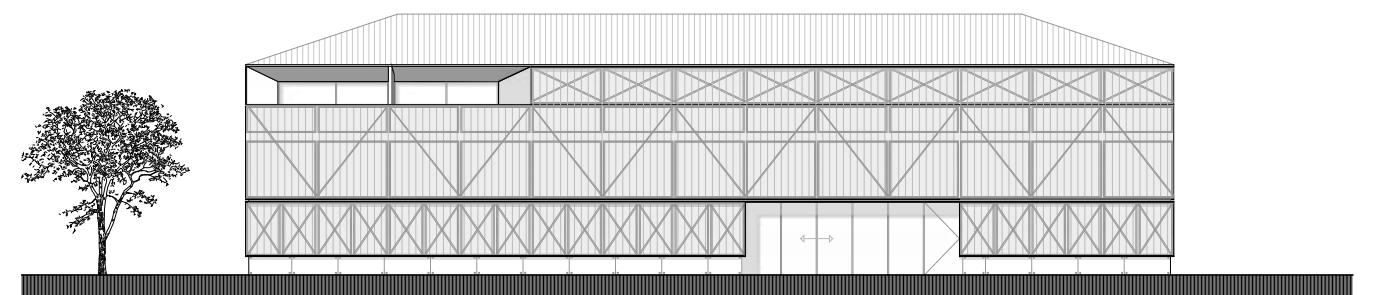
The Fisheries, Hackney





Gransden Avenue, Hackney





Maidstone Studios, Kent





Newtown Works, Kent



# PROPOSAL









St. Margarets Station







# SITE A

KEY

Studio Space

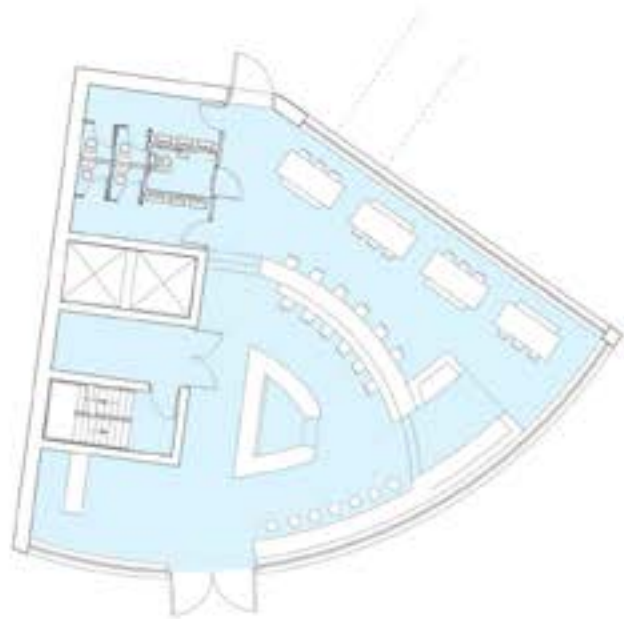
Workspace

Retail

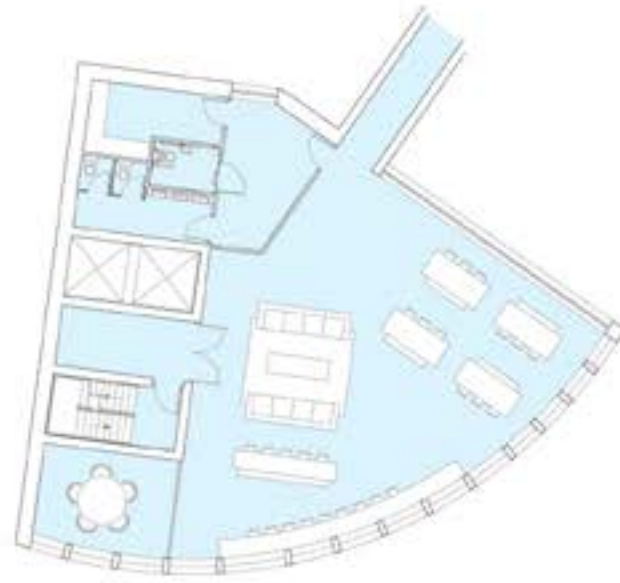
Production

Post Production





Ground Floor Plan



First Floor Plan

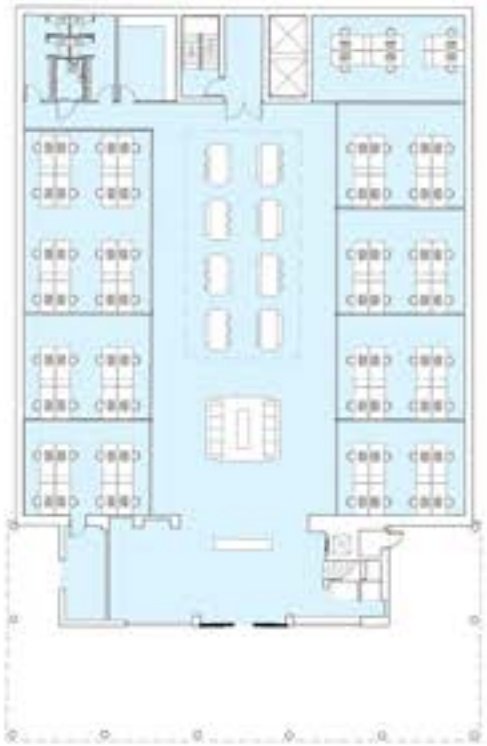


Second Floor Plan

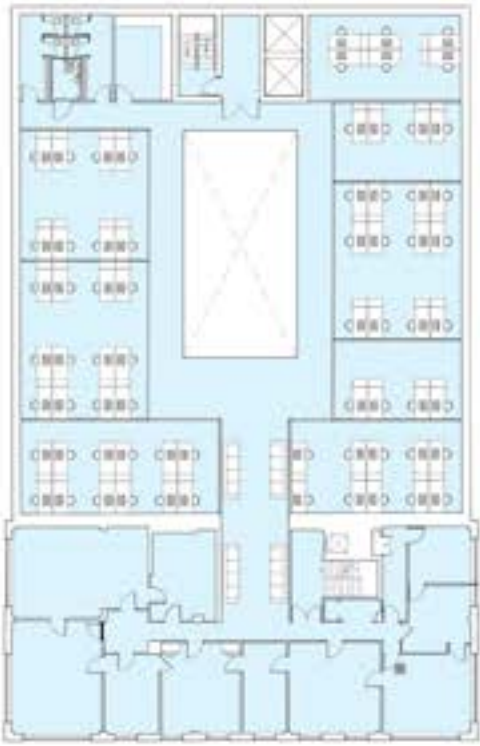


Third Floor Plan

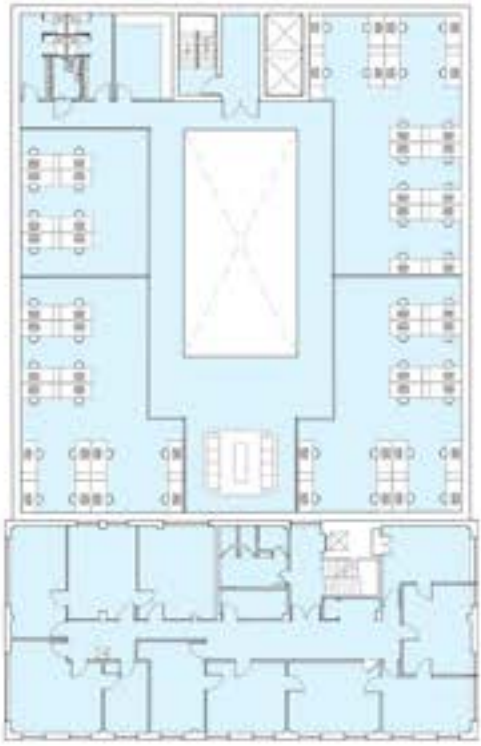
## Proposed Plans Block A



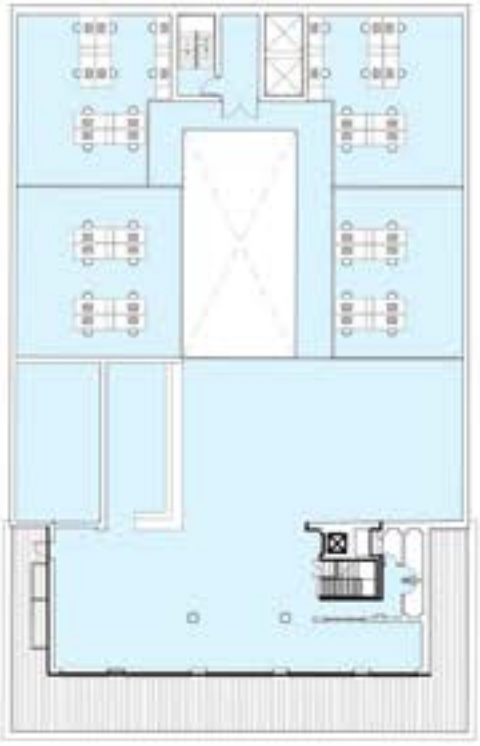
Ground Floor Plan



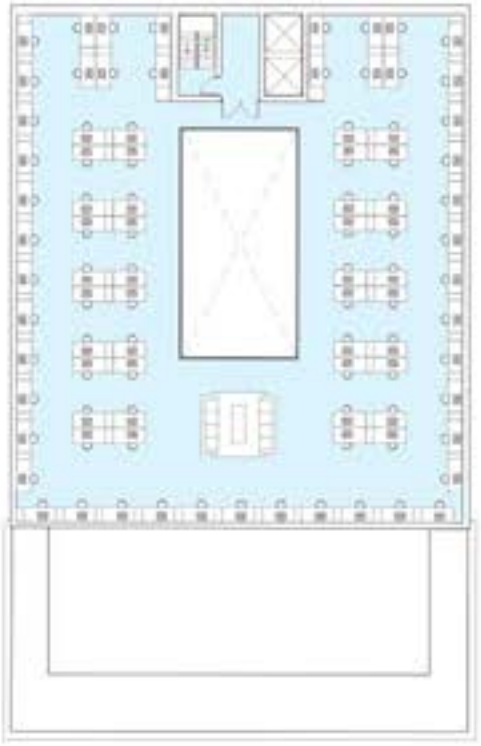
First Floor Plan



Second Floor Plan



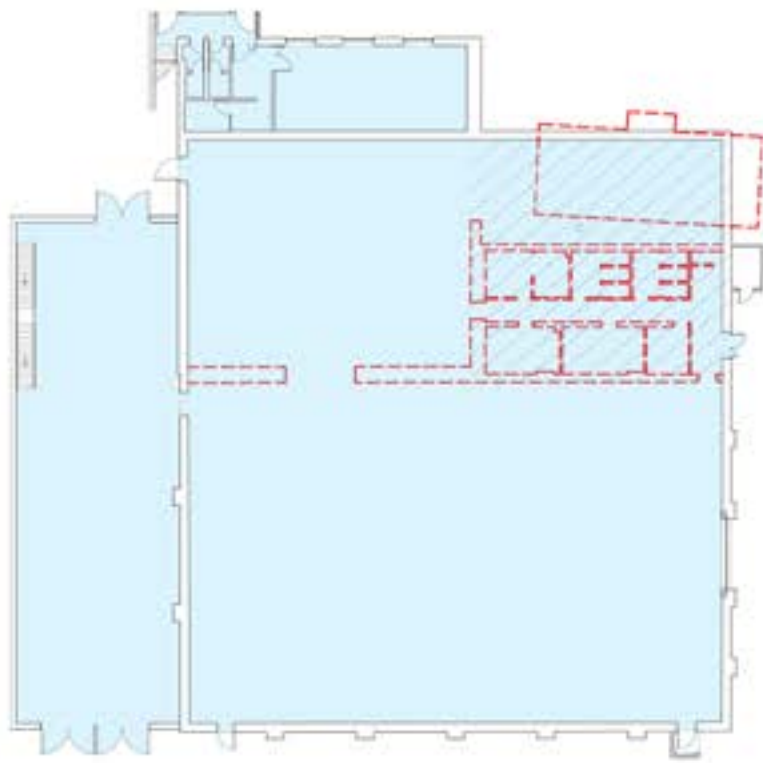
Third Floor Plan



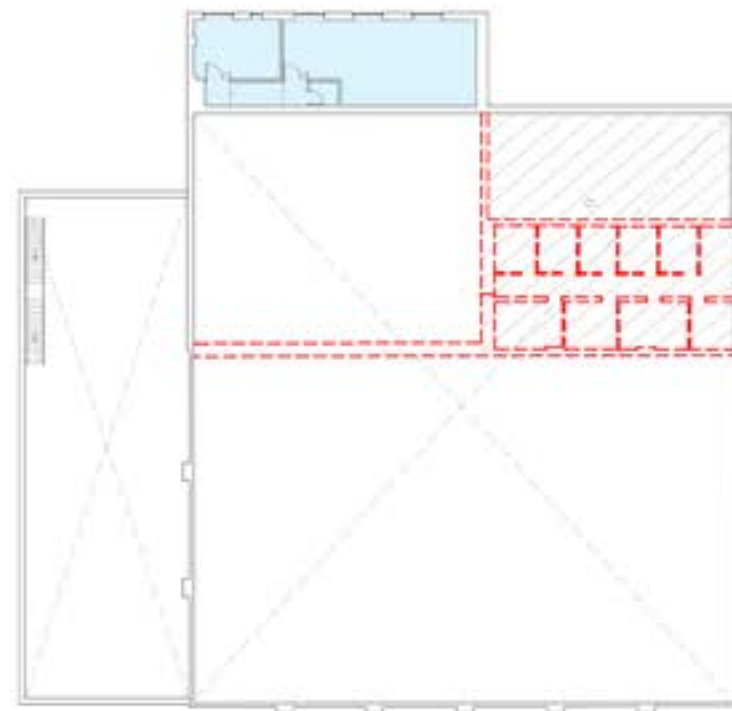
Fourth Floor Plan

# Proposed Plans Block B

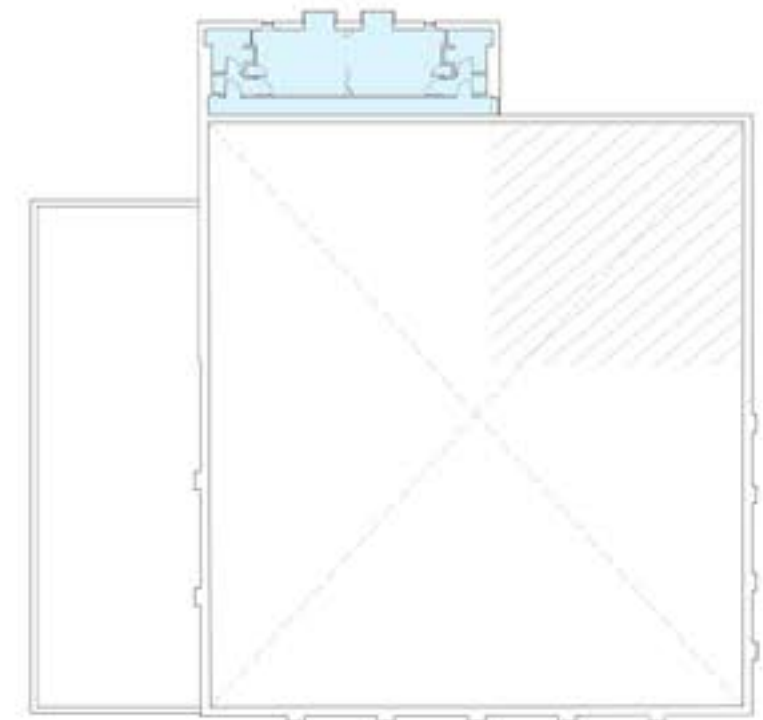
Extended the studio to allow for more space and better usage.



Ground Floor Plan



First Floor Plan



Second Floor Plan

## Proposed Plans Block C



Proposed

18.141 - Twickenham Studios  
Schedule of Areas for Blocks A, B, and C  
Rev A

BLOCK A  
Shared Workspace/Offices

	GIA	NSA	GEA
GROUND	200	144	229
FIRST	200	135	229
SECOND	200	135	229
THIRD	194	101	229

TOTAL:	794	515	916
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GIA: Measured to internal face of external wall  
NSA: Saleable Areas include: office spaces, shared work spaces, workshop, dividing walls, small gym and hospitality lounge.  
GEA: Measured to external face of external wall

BLOCK B  
Wellness/Offices/Post Production/Hospitality

	GIA	NSA	GEA
GROUND	707	523	755
FIRST	823	551	948
SECOND	823	553	948
THIRD	711	602	825
FOURTH	633	527	669

TOTAL:	3697	2756	4145
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BLOCK C  
TV Studio/Workshop/Warehouse Store/Changing Facilities

	GIA	NSA	GEA
GROUND	1195	1115	1270
FIRST	67	57	83
SECOND	294	200	334

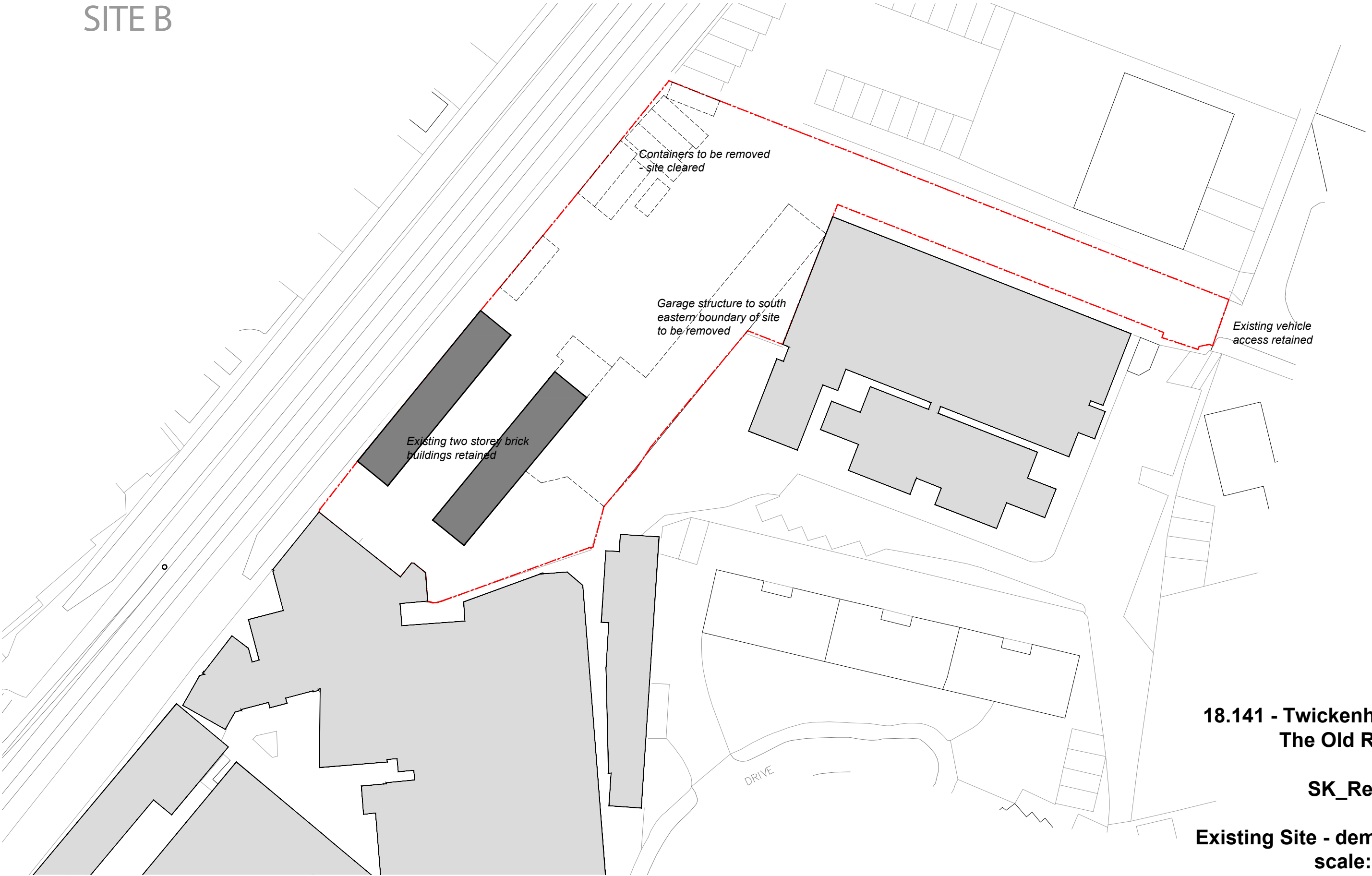
TOTAL:	1556	1372	1687
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Existing

Twickenham Studios - Existing Schedule (GIA)		
Block A - NOT APPLICABLE (proposed only)	SQM	SQFT
Block B - Commercial - Existing rear section	SQM	SQFT
Level 00	618	6652
Level 01	415	4467
	1033	11119
Block B - Commercial - Existing street fronting	SQM	SQFT
Level 00	80	861
Level 01	270	2906
Level 02	270	2906
Level 03	150	1615
	770	8288
Block C - TV Studio	SQM	SQFT
Level 00 - TV Studios	712	7664
Level 00 - 'Back of house'	202	2174
Level 01 - 'Back of house'	150	1615
Level 02 - 'Back of house'	68	732
	1132	12185
Block D - Existing 3 Buildings	SQM	SQFT
Level 00	316	3401
Level 01	280	3014
	596	6415
Block E - Existing - To remain as is	139	1496
Block F - Existing - TV STUDIO - To remain as is	3072	33067
Block G - Existing - To remain as is	372	4004
Block H - Existing - To remain as is	3025	32561
TOTALS	10,139	109,135

Schedule

SITE B

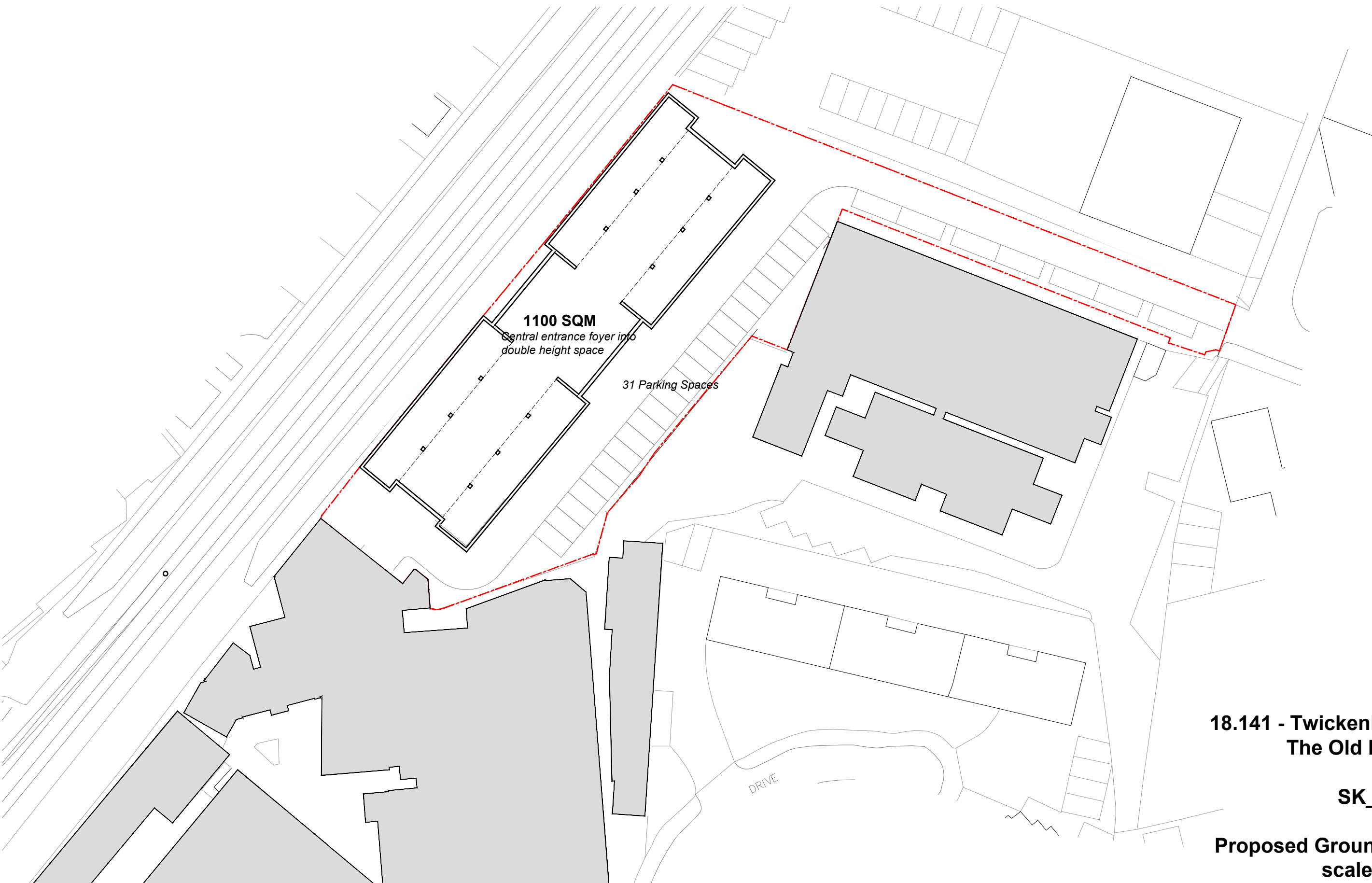


**18.141 - Twickenham Studios  
The Old Refinery Site**

**SK\_Refinery\_ex00**

**Existing Site - demolition plan  
scale: 1:500 at A3**

Proposed Demolition Plan



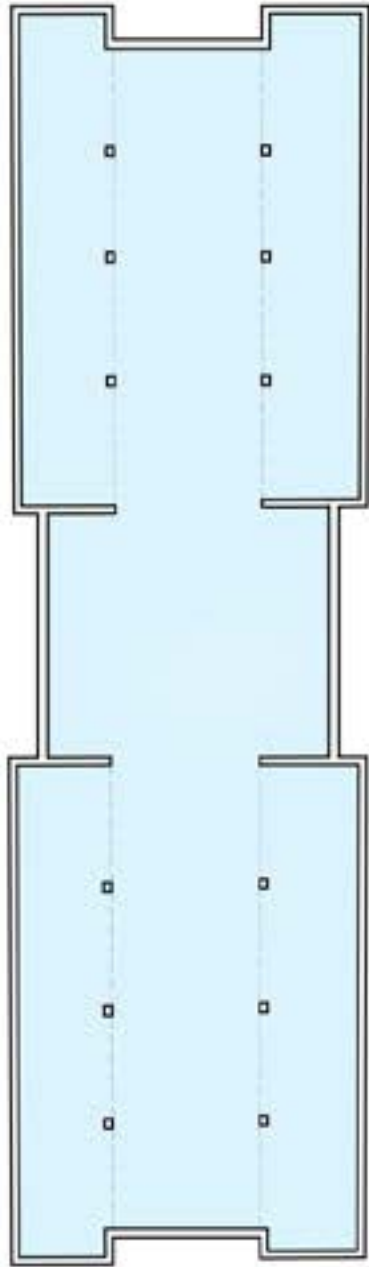
**18.141 - Twickenham Studios  
The Old Refinery Site**

**SK\_Refinery\_00**

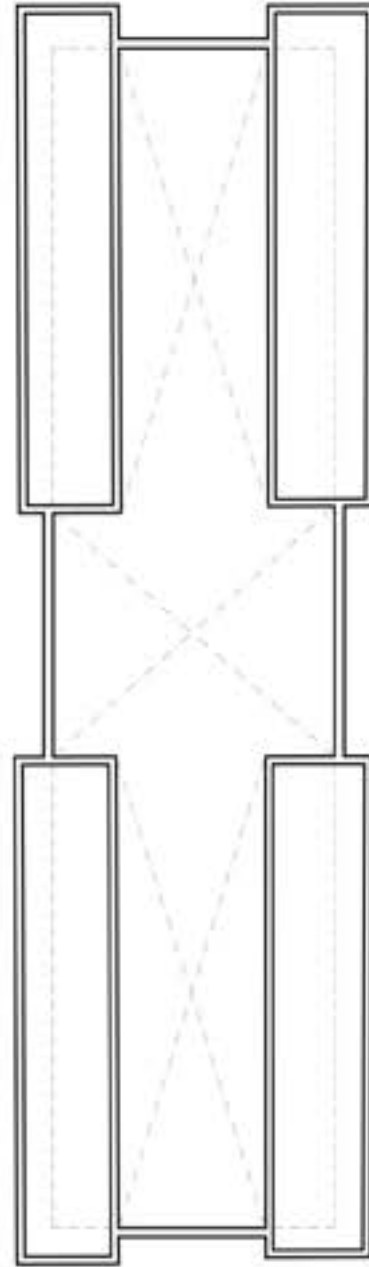
**Proposed Ground Floor Plan  
scale: 1:500 at A3**

Proposed Plan

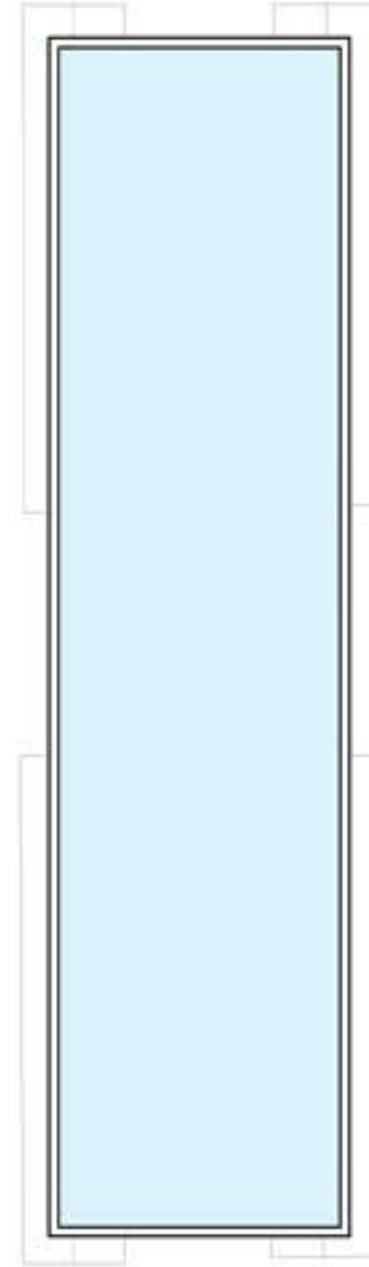




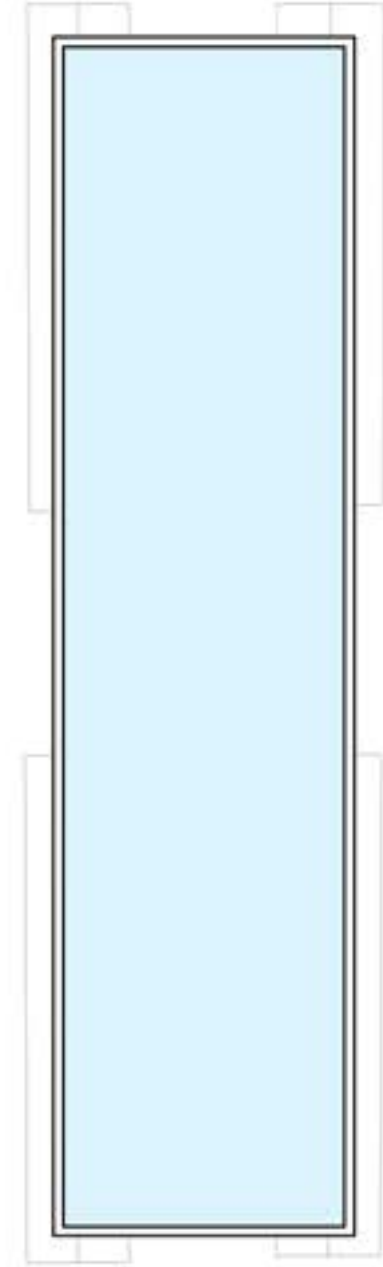
Ground Floor Plan



First Floor Plan



Second Floor Plan



Third Floor Plan

## Proposed Plans

**SITE B - Refinery Site**

	GIA	NSA	GEA
GROUND	110		118
FIRST	110		118
SECOND	92		100
THIRD	92		100

TOTAL:	404	0	436
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**GIA:** Measured to internal face of external wall  
**NSA:** Saleable Areas include: office spaces, shared work spaces, workshop, dividing walls, small gym and hospitality lounge.  
**GEA:** Measured to external face of external wall







2019	RIBA Regional Award (Process Gallery)
2019	BD Architect of the Year Award shortlisted for Small Project
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2012	RIBA Downland Award (The Marquis)
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2011	FX International Interior Design Shortlisted
2011	WAN Commercial Shortlisted
2011	RIBA Downland Prize (Commended)
2010	RIBA National Award Shortlisted
2010	Kent Design Awards (Best Education Category)
2010	Building Design & Construction Award (Best Educational Building)
2010	Building Design & Construction Award (Public/ Community Building)
2009	Evening Standard New Homes Award Shortlisted
2008	RIBA Downland Prize (Residential Leisure)
2008	'Britain's Best Home' (Final Six)
2007	Kent Design Award (Best Small Project)
2007	RIBA Downland Prize (Best Conversion)
2007	Kent Design Award (Education Shortlisted)
2006	'What House' Award (Best House)
2005	RIBA National Award
2004	Kent Design Award (Overall Winner)
2004	Kent Design Award (Education Category)
2000	National Built In Quality Award

QMS ISO 9001 registered firm  
Guy Hollaway Architects Limited registered in England and Wales at  
The Tramway Stables,Rampart Road, Hythe, Kent CT21 5BG.  
Company No: 07338729

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**Environment Directorate**



Civic Centre, 44 York Street, Twickenham TW1 3BZ  
tel: 020 8891 7300 text phone 020 8891 7120  
fax: 020 8891 7789  
email: [envprotection@richmond.gov.uk](mailto:envprotection@richmond.gov.uk)  
website: [www.richmond.gov.uk](http://www.richmond.gov.uk)

Mr Mark Batchelor  
Director  
Boyer Planning  
2<sup>nd</sup> Floor Intel House  
24 Southwark Bridge Road  
London SE1 9HF

Please contact: Ms Joanne Simpson

Your ref: Twickenham Film Studios, The Barons, Twickenham, TW1 2AW

Our ref: 19/P0405/PREAPP

Date: 11<sup>th</sup> May 2020

Dear Mr Batchelor

**Re: Demolition, refurbishment and extension of existing buildings at Twickenham Film Studios and erection of a new building on the corner of St Margarets and the Barons, Twickenham, TW1 2AW; removal of garage structure and refurbishment and extension of existing buildings at Arlington Works, 23-27 Arlington Road, TW1 2BB.**

Thank you for your pre-application submission for the above site.

Advice is being sought on whether it is likely that planning permission would be granted for: demolition, refurbishment and extension of existing buildings at Twickenham Film Studios and erection of a new building on the corner of St Margarets and The Barons, Twickenham, TW1 2AW; removal of garage structure and refurbishment and extension of existing buildings at Arlington Works, 23-27 Arlington Road, TW1 2BB.

In providing the following comments, the documents provided with the pre-application submission have been considered and the site constraints noted from a desktop review, which included a search of recent applications in the locality, where relevant.

**Site, History and Surroundings:**

The application relates to Twickenham Film Studios, The Barons, Twickenham ('Site A') and Arlington Works, 23-27 Arlington Road to the north ('Site B'). Site A is located to the east of The Barons and is bounded by St Margarets Road to the south and a railway line to the east. It is located in St Margarets and North Twickenham ward. Site

B is bounded by the railway line to the north and is located in Twickenham Riverside ward.

Site B comprises two mews buildings which are Buildings of Townscape Merit (BTMs) and there are a number of BTMs nearby. There are no statutorily listed buildings on site. Grade II Listed St Margarets Catholic Church is located approx. 40m to the east. Other notable Grade II Listed buildings in the vicinity are Victoria Lodge, Rosslyn Road and Turner's House, Sandycumbe Road, both of which lie east of the site. The southernmost end at the corner of The Barons and St Margaret's Road is located in Crown Road St Margaret's Conservation Area CA49, which is adjacent to the south.

Below is a table of all site designations and constraints which are relevant to the proposal:

Site designation / constraint	Details
Archaeological Priority Area	Site: Richmond -Early Medieval settlement of the Manor of Sceanes (Shene)
Area Benefiting from Flood Defences	Environment Agency
Area of Mixed Use (AMU)	St Margarets
Area Poorly Provided with Public Open Space	
Article 4 Direction	Basements
BTM	Site: 23-27 Arlington Road
Community Infrastructure Levy (CIL) Band	Higher
Conservation Area	CA49 Crown Park St Margarets
Critical Drainage Area – Environment Agency	St Margarets
Floodzone 2	Tidal Models
Industrial Land / Business Park	Twickenham Film Studios
Land Use Past Industrial	Car & coach repairs 1987 – 2004 Ironmongers 1948 – 1950
Listed Buildings (Grade II)	St Margarets Church, St Margarets Road Victoria Lodge, Rosslyn Road Turner's House, Sandycumbe Road
Protected View	Petersham Park to Twickenham (Indicative Zone) View from near Ham House to Orleans House (Indicative Zone) View to Marble Hill House (north)
Secondary Shop Frontage	Nos. 116-126a St Margarets Road
Surface Water Flooding – Environment Agency	Area Susceptible To Area Less Susceptible To
Take Away Management Zone	
Tree Protection Order (TPO)	Ref: T0130 – T1 Horse Chestnut – Aesculus hippocastanum Ref: T0130 – T2 Horse Chestnut – Aesculus hippocastanum

	Ref: T0130 – T3 Horse Chestnut – Aesculus hippocastanum
Village	St Margarets & East Twickenham
Village Character Area	Crown Road – Area 4 & Conservation Area 49, St Margarets Village Planning Guidance
	Ravensbourne Road & surrounds – Area 11, East Twickenham Village Planning Guidance
Ward	St Margarets & North Twickenham
	Twickenham Riverside
Waste Site Existing & Safeguarded in the West London Waste Plan (WLWP)	Site: Sharpes Oil, Arlington Works

As well as Twickenham Studios, Site A comprises a number of buildings (labelled Blocks A-H within Guy Holloway Architect's document submitted with the application, with the most prominent buildings fronting the Barons. Site A falls within the B1 Use Class. The Studios have operated from the site since 1913 and hold the unique position of being the only studio in London that caters for the needs of both film production and post-production. The Studios have several stages that are sound-proofed. Dressing rooms, make-up, hairdressing and wardrobe departments and camera rooms are generally situated adjacent to each stage, with nearby prop rooms, art departments and office suites. In addition, the site provides numerous areas of work space, post-production areas and ancillary floor areas.

Site B is the Arlington Works Sharpe Oil Refinery site which contains two mews buildings located to the south which are BTMs. A recent planning application for a residential-led development of the site was refused in September 2019 (planning application ref. 18/2714/FUL) on the grounds of, inter alia, an in principle objection to the land use and the loss of a Designated Waste Site and the loss of industrial floorspace. Further details are provided in the Planning History and assessment sections of the main body of the report.

The site's Public Transport Accessibility Level (PTAL) ranges between 3 and 4 on a scale of 0 to 6b with 0 being worst and 6b being best. The southern end of the site along St Margarets Road and The Barons is subject to Controlled Parking Zone (CPZ) S – St Margarets South, which is in operation Monday to Friday 10am to 4.30pm (Bank and Public Holidays free). To the north of the site CPZ F – East Twickenham is in operation, which is in operation Monday to Friday 10am to 4.30pm (Bank and Public Holidays free).

### **Proposal:**

Pre-application comments are sought on: demolition, refurbishment and extension of existing buildings at Twickenham Film Studios and erection of a new building on the corner of St Margarets and The Barons, Twickenham, TW1 2AW; removal of garage structure and refurbishment and extension of existing buildings at Arlington Works, 23-27 Arlington Road, TW1 2BB.

The proposals involves the demolition, rebuilding and erection of new buildings associated with Twickenham Studios, enabling much-needed refurbishment of the

Studios whilst increasing the useable floor area and rationalising existing floorspace to increase efficiency. The Planning Statement submitted with the proposal states that these works are essential to ensure that the Studios can continue to successfully operate from site and remain in the Borough.

The following is proposed at Site A:

*Block A* – Erection of a new, prominent landmark four-storey building located within Site A's south eastern corner to provide new ground-floor retail space and café fronting St Margarets Road and The Barons and high quality, modern workspace on the upper floors.

*Block B* – This currently provides a variety of uses across its floors. It is proposed to retain the front section of The Barons and demolish and rebuild the rear element up to five storeys in height. The new floor areas would be used for a range of uses including offices, post-production and hospitality. At third-floor level a new glazed extension with a front roof terrace is proposed.

*Block C* – This houses the main television studio. The proposals involve extended the studios to allow for more space and more efficient usage. The building would be extended to the north so that it subsumes an existing single-storey ancillary building.

*Blocks D and E* – These are smaller ancillary blocks. It is proposed to demolish them both to allow for the extension of Blocks B and C and to create more desirable spacing around the remaining Blocks.

*Blocks F, G and H* – No changes are proposed to these buildings which would remain as existing.

The following is proposed at Site B:

Removal of a number of storage containers and a garage structure (Use Class B2 Industrial) on the site's south eastern boundary and the retention, refurbishment and extension northwards of the two BTM mews buildings. The scheme also proposes 31 new car parking spaces.

Other matters

It is understood that if fully built out, the proposal would result in a net increase of 3,490sqm of B1 Office Use and 200sqm of A1 Retail Use. Please note that a clear Use Class table showing the floorspace for each existing and proposed use for each block and site will be required at full planning application stage.

**Planning History:**

Twickenham Film Studios

- 47/0604 – The erection of Nissen huts as temporary workshops and stores and the provision of a temporary covered way. – **Approved 14/04/1949**
- 47/2743 – The use of the existing premises for light engineering work involving the manufacture of radar equipment. – **Approved 21/11/1951**
- 47/3576 – Erection of a nissen hut. – **Approved 24/10/1952**



- 47/3664 – Erection of a nissen hut. – **Approved 20/11/1952**
- 47/5168 – Retention of a nissen hut for use as canteen. – **Approved 04/10/1954**
- 47/5338 – Erection of brick building for administrative purposes. – **Approved 04/10/1954**
- 47/6151 – The erection of dressing room block. – **Approved 22/06/1955**
- 47/6394 – The erection of boiler house. – **Approved 25/08/1955**
- 47/8041 – The use of two Nissen huts for light engineering purposes and the use of the office block for clerical purposes. – **Approved 11/06/1957**
- 47/8883 – Erection of a new sound departmental building. – **Approved 30/01/1958**
- 59/0195 – Erection of new stage, viewing and dubbing theatre, and property store. – **Approved 28/05/1959**
- 59/1018 – Erection of re-recording and music scoring theatre, and property store. – **Approved 30/11/1959**
- 65/0015 – Addition to existing building for cutting room facilities. – **Approved 19/02/1965**
- 67/1227 – Demolition of existing workshop and erection of two-storey workshop, four-storey block of offices and provision of 66 car parking spaces. – **Approved 03/01/1968**
- 67/1226 – Erection of temporary workshops and offices. – **Approved 21/08/1967**
- 72/3440 – Demolition of existing buildings and erection of three-storey block of offices over semi-basement car park; provision of 22 parking spaces. – **Approved 22/11/1973**
- 77/0439 – The erection of single-storey building comprising ten cutting rooms, involving the demolition of existing temporary buildings together with the formation of car-parking area. – **Approved 30/08/1977**
- 77/1160 – Erection of two-storey building for use as cutting rooms and offices, including the provision of two external fire escape staircases. – **Approved 15/03/1978**
- 78/0869 – Demolition of four garages, the erection of six new garages and the relocation of six existing spaces with the widening of the existing access road. – **Approved 31/05/1979**

- 78/1402 – Erection of single-storey toilet block for male and female staff. – **Approved 24/01/1979**
- 77/1160/DD01 -Erection of a two-storey building for use as cutting rooms and offices, including the provision of two external fire escape staircases. (Detailed drawings tree planting and landscaping). Condition No. 42 of planning permission 77/1160 dated 15/03/78. – **Approved 10/01/1979**
- 80/0601 – Erection of a two-storey office building, involving the demolition of existing single storey office and toilet block and the provision of additional car parking adjacent to service road on the northern boundary. – **Approved 10/12/1980**
- 80/1571/ADV – For advertisements. – **Approved 19/01/1981**
- 82/1471 – Erection of a single storey building to house electrical switch gear. – **Approved 08/02/1983**
- 83/0312 – The raising of the existing mono-pitched roof over dressing rooms to horizontal position. (Additional drawing M205/1 received 24/3/83). – **Approved 08/02/1983**
- 83/0559 – Provision of 15 parking spaces at the side of an estate road and the provision of five additional spaces within the site for use in conjunction with new two-storey office building approved under Ref: 80/0601. – **Approved 12/07/1983**
- 84/0651 – The demolition of the existing warehouse building and the erection of a new building containing new sound studios and cutting rooms, and 31 parking spaces. – **Approved 17/12/1984**
- 85/0256 – Resiting of cold water storage tank onto roof of Richmond House. – **Approved 10/05/1985**
- 84/1187/DD01 – The demolition of the existing warehouse building and the erection of a new building containing new sound studios and cutting rooms, and 31 parking spaces. (Detailed drawings – Materials). Condition No. 3 of planning permission 84/1187 dated 17/12/84.) – **Approved 21/06/1985**
- 84/0923 – Erection of part three storey part four storey building comprising car parking, cutting rooms, dubbing and post-syne theatres and offices. (Plan Nos. GJ1/BR2 Rev.2 amended on 2<sup>nd</sup> August 1985). – **Approved 18/09/1985**
- 86/0806 – Erection of gate, screen wall and security gate house. – **Approved 27/06/1986**
- 90/0435/FUL – Two-storey front extension to restaurant. – **Approved 24/04/1990**

- 90/0435/DD01 – Details pursuant to Condition (B) (staircase) of planning permission 90/0435 dated 21/5/90. – **Approved 30/01/1991**
- 91/0499/FUL – Part ground, part two storey rear extension. – **Approved 08/05/1991**
- 93/0085/FUL – Erection of an additional floor to existing 3 storey office block to provide 2 no. additional offices. – **Approved 27/05/1993**
- 94/T3684/PO – Fell Chestnut T3. – **Refused 06/02/1995** (reasons unknown)
- 95/1424/FUL – Complete refurbishment of existing dressing rooms and ancillary accommodation to sound stage 1 including new external walls and raising and fitting new roof and new bridge link. – **Approved 29/06/1995**
- 98/2166 – Pole antennae fixed to existing structure and equipment housing. – **Permission not required 06/10/1998**
- 01/T0200 – Row of Leyland Cypress - Reduce by approximately 50 – **Approved 05/03/2001**
- 01/T0199 – (1) Horse Chestnut - Western Tree - Crown reduce by 25 (2) Horse Chestnut - Middle Tree - Remove (3) Horse Chestnut - eastern-most tree - Crown reduce by 25 – **Approved 05/03/2001**
- 01/T0201 – Lime – Remove lower trunk growth to first lateral branch. Crown thin by 30. Crown thin. – **Approved 05/03/2001**
- 11/T0175/TPO – T1 - T2 - Horsechestnut – crown reduce by 30% and 15% thin and prune back chestnut overhanging street lamp. – **Approved 16/05/2011**
- 14/0736/ADV – Proposed non-illuminated 'Twickenham Studios' signage to end flank wall of 116 St Margarets Road; large scale painted numbering to three stage (1, 2 and 3) buildings. – **Approved 02/07/2014**
- 14/0735/FUL – Erection of extensions at third floor level (following removal of zinc screened tank room) and elevational changes (front, side and rear) to the administration building; second floor extension to Stage 2 and 3 building. – **Approved 02/07/2014**
- 14/T0839/TPO – T1 - Horse Chestnut, Aesculus hippocastanum, Remove to low stump and poison, this is due to damage to built structures around the tree, cracks in walls and proximity to the substation. The tree is also causing a deficit in safe passage width for emergency purposes between the building and the soil bed; T2 - Horse Chestnut, Remove to a low stump and poison, tree is causing cracking and has outgrown its reasonable limit for its location and has caused significant changes in subsoil level nearby. heavy cracking has been repaired in the nearest building with cracks over 1cm wide opening up; Both

trees will be re-planted with *Cersis siliquastrum* or *Davidia involucrate*. – **Refused 21/01/2015**

**Reason(s) for refusal:**

*‘Your application was Refused as there has been insufficient evidence presented along with the application to demonstrate that the trees have caused the damage to the surrounding buildings. We would reconsider the application for removal if more evidence is presented.*

*Due to the significance of the trees we would require strong links and exploration in to other engineering solutions that could retain the trees within the site.’*

- 14/0735/DD03 – Details pursuant to condition BD12 - Details - Materials to be approved of planning permission 14/0735/FUL. – **Approved 04/02/2015**
- 14/0735/DD02 – Details pursuant to condition U73027 - Details of Screen of planning permission 14/0735/FUL. – **Approved 04/02/2015**
- 14/0735/DD04 – Details pursuant to condition U73028 - Further plan of planning permission 14/0735/FUL dated 9 July 2014 – **Approved 03/03/2015**
- 15/1520/FUL – Installation of awning above third floor windows/doors on south eastern elevation (The Barons frontage) and the installation of cable balustrade between castle effect parapet to third floor pf the Admin building. – **Approved 17/06/2015**
- 15/1512/VRC – Variation of condition U73026 (DV48 Approved Drawings) of planning permission 14/0735/FUL dated 9 July 2014 to allow enlargement of lift over run, replacement of existing zinc coping to aluminium coping to the existing castle effect parapet to front, side and rear elevations and insertion of a door to southwestern (side) elevation to allow service access to members bar terrace area. – **Approved 09/07/2015**
- 16/2623/FUL – Proposal for the installation of white UVPC windows to two elevations of the Mill building. – **Withdrawn 19/12/2017**

**Reason(s) for withdrawal:**

*‘Applicant has failed to provide accurate drawings within promised timescale.’*

Arlington Works

- 47/0267 – Its use for light industry – **Approved 13/12/1948**
- 47/1511 – Their use for light industry. (textile printing). – **Approved 15/05/1950**
- 47/3442 – The erection of 4 factory buildings. – **Refused 13/10/1952**

**Reason(s) for refusal:**

1. *It is necessary to restrain the tendency for industry to increase in Middlesex with the consequential demands for land, houses and services of all kinds which it will be beyond the capacity of the County to satisfy.*
  2. *It is essential that existing industry move out of the County to provide work near their houses in the outer country ring for those members of the community affected by the policy of decentralisation of population.*
  3. *The grant of permission in respect of industrial buildings unrelated to the firms intending to implement the permission would not enable the County Council as Local Planning Authority to realise its policy in regard to the re-location of industry.*
- 47/4716 – The erection of factory buildings and offices. – **Refused 15/03/1954**

**Reason(s) for refusal:**

1. *The proposed building would encroach upon the public highway known as Arlington Mews.*
  2. *The proposal constitutes piecemeal development and is not related to a comprehensive scheme for the redevelopment of the site as a whole.*
- 59/0883 – Installation of fuel storage tanks. – **Approved 22/10/1959**
  - 89/1750/OUT – Redevelopment of site for business purposes falling within Use Class B1, to provide 1,458 sq. m. of floorspace – **Approved 11/12/1989**
  - 01/3045 – Installation Of A 13m High Column, 6 Antenna And 4 Dishes. Additionally Ten Equipment Cabinets To Be Installed At Ground Level Adjacent To Pole Along Length Of Security Fence. – **Approved 03/01/2002**
  - 04/3536/MOB – Proposed Height Increase Of 5 Meters To An Existing 15 Meter Mast With The Addition Of 3 Antennae, And Two Cabinets Located At Ground Level. (This Equipment Is A Mobile Phone Base Station). – **Refused 22/06/2005**

**Reason(s) for refusal:**

1. *The proposed development by reason of its design, height and location would be visually intrusive and detrimental to the character and appearance of the area, including views from the nearby St Margarets Conservation Area, and to local residential amenity. The proposal would thereby be contrary to policies BLT 2, 11, 16, 24 of the Richmond upon Thames Unitary Development Plan Review 2005.*
- 06/0534/TEL – The removal of existing O2 headframe and relocation of 3 panel antennas on existing spine alongside the existing Orange antennas, the

addition of 1 600mm dish antenna at 12.3m AGL and associated equipment cabinets. – **Withdrawn 21/03/2006 (reason unknown)**

- 18/2714/FUL – Redevelopment of the site to provide 610sqm of commercial space (B1 Use Class) within existing Buildings of Townscape Merit plus a new build unit, 24 residential units in two blocks (5 x 1 bedroom flats, 12 x 2 bedroom flats and 7 x 3 bedroom flats) and associated car parking and landscaping and other works. – **Refused 19/09/2019**

#### **Reason(s) for refusal:**

1. *Loss of Designated Waste Site – The proposed development, by reason of its complete loss of an existing safeguarded waste site and lack of satisfactory full and proper evidence to demonstrate there is satisfactory compensatory and equal provision of capacity for waste, in scale and quantity, elsewhere within the West London Waste Plan Area; would result in the unacceptable loss of land accommodating an existing waste manage use which forms an essential resource for dealing with all waste streams within the Waste Plan area. The scheme is therefore contrary to policy, in particular, policies 5.17 and 5.19 of the London Plan (2016), policy WLWP2 of the West London Waste Plan (2015) and LP24 of the Local Plan (2018).*
2. *Loss of Industrial Floorspace – The proposed development, by reason of its complete loss of an existing industrial site and lack of satisfactory full and proper marketing evidence to demonstrate there is a lack of demand for continued use of the premises as a B2 use, or appropriate alternative employment generating uses, or other suitable evidence; would result in an unacceptable loss of an industrial site, to the detriment of the local economy and range of employment premises within the borough. The scheme is therefore contrary to policy, in particular, policies 4.14 of the London Plan (2016) and LP42 of the adopted Local Plan (2018).*
3. *Affordable Housing – The proposed on-site affordable housing provision, by reason of its under provision of affordable units on site below the percentage required, would fail to meet any priority needs for rented affordable housing. The proposed shared ownership units would fail to meet the affordability criteria in the Intermediate Housing Policy and would fail to adequately contribute to the Borough's housing stock or maximise affordable housing. The proposal would therefore be contrary to policy, in particular, the NPPF, policies 3.13 of the London Plan (2016) and LP 36 of the adopted Local Plan (2018) and the Mayor's Affordable Housing & Viability Supplementary Planning Guidance and the Local Planning Authority's Affordable Housing Supplementary Planning Documents.*
4. *Play Space – The proposed development, by reason of its insufficient provision of on-site children's play space, would fail to encourage and promote healthier and more active lifestyles. The proposals would therefore be contrary to policy. In particular the proposals would fail to comply with the aims and objectives of policies 3.6 of the London Plan (2011), LP31 of the adopted Local Plan (2018) and the guidance set out within the Mayor's SPG on Shaping neighbourhoods:*

*Play and Information Recreation (2012) and the LBRUT Planning Obligations Supplementary Planning Document (2014).*

5. *Mix of Uses – The proposed development, by reason of its lack of segregated pedestrian/cycle access into/throughout the site and unsatisfactory siting and layout, would result in an unacceptable co-location of uses which gives rise to inappropriate conflict between users, to the detriment of the proposed commercial use operation and the safety/amenity of proposed residential occupants. The proposed development is therefore contrary to policy, in particular, the NPPF, policies 4.3 of the London Plan (2016), LP1 (A.6) and LP35(A) of the Local Plan (2018).*
6. *Transport and Highways – The proposed development, by reason of its lack of sufficient off-street parking provision, the loss of existing parking spaces on the access road and in the absence of a satisfactory parking survey to demonstrate there is capacity in the surrounding roads to accommodate the likely parking shortfall, would adversely impact on existing on-street parking conditions, the free flow of traffic and pedestrian and vehicular safety on the surrounding highway network. Furthermore, in the absence of a binding agreement to secure the removal of rights to parking permits and provision of car club memberships for prospective occupants, the application would fail to adequately promote sustainable modes of transport. The scheme is therefore contrary to the aims and objectives of policies, in particular, policy LP45 of the Local Plan (2018) and the adopted Front Garden and Other Off-Street Parking, and Planning Obligations Supplementary Planning Documents.*
7. *CO2 Emissions – The proposal does not meet the zero carbon homes policy targets and in the absence of a binding agreement to secure a financial contribution to a carbon offset payment, the proposal would fail to mitigate the impact of development on the environment. As such, the proposal is contrary the aims and objectives of London Plan Policy 5.2 and Policies LP20 and LP22 of the adopted Local Plan (2018).*
8. *Design – The proposed development, by reason of its siting, footprint, mass and of the severe horizontal emphasis of the eastern elevation of the proposed main residential building, combined with the height and siting of the proposed smaller residential building, would result in a cramped and contrived form of over development of the site, and would appear overbearing on the existing Buildings of Townscape Merit (BTM) on site. The proposed development is therefore contrary to policy, in particular, the NPPF and policies 3.5 and 7.4 of the London Plan (2016), LP1, LP4 and LP39 of the Local Plan (2018) and the Design Quality Supplementary Planning Document.*

### **Consultation:**

#### **Internal consultees:**

- Ecology – comments received 05/02/2020 – No in principle objection subject to further information
- Policy – comments received 20/01/2020 and 19/02/2020 – No objection subject to replacement waste capacity being secured elsewhere in the West London Waste Area

- Transport – comments received 11/02/2020 - No in principle objection
- Trees – comments received 05/02/2020 – No in principle objection subject to concerns being overcome
- Urban Design & Conservation – comments received 07/02/2020 and 11/02/2020 – No in principle objection subject to alterations to the design

Internal colleagues' comments are incorporated into the body of the report.

### **Relevant policies:**

Any application such as this would be considered having regard to the National Planning Policy Framework (2019) and the Local Development Plan. In the Borough of Richmond upon Thames, the Local Development Plan consists of the London Plan (March 2016, consolidated with alterations since 2011) are the Council's Local Plan (2018). The following policies and supplementary planning guidance are relevant:

London Plan (2016): Policy 1.1 Delivering the Strategic Vision and Objectives for London; Policy 2.6 Outer London: vision and strategy; Policy 2.7 Outer London: economy; Policy 2.8 Outer London: transport; Policy 4.1 Developing London's Economy; Policy 4.2 Offices; Policy 4.3 Mixed Use Development and Offices; Policy 4.4 Managing Industrial Land and Premises; Policy 4.6 Support for and Enhancement of Arts, Culture, Sport and Entertainment; Policy 4.7 Retail and Town Centre Development; Policy 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services; Policy 4.9 Small Shops; Policy 5.1 Climate Change Mitigation; Policy 5.2 Minimising Carbon Dioxide Emissions; Policy 5.3 Sustainable Design and Construction; Policy 5.4 Retrofitting; Policy 5.4A Electricity and Gas Supply; Policy 5.5 Decentralised Energy Networks; Policy 5.6 Decentralised Energy in Development Proposals; Policy 5.7 Renewable Energy; Policy 5.8 Innovative Energy Technologies; Policy 5.9 Overheating and Cooling; Policy 5.10 Urban Greening; Policy 5.11 Green Roofs and Development Site Environs; Policy 5.12 Flood Risk Management; Policy 5.13 Sustainable Drainage; Policy 5.16 Waste Net Self-Sufficiency; Policy 5.17 Waste Capacity; Policy 5.18 Construction, Excavation and Demolition Waste; Policy 5.19 Hazardous Waste; Policy 5.20 Aggregates; Policy 5.21 Contaminated Land; Policy 5.22 Hazardous Substances and Installations; Policy 6.3 Assessing Effects of Development on Transport Capacity; Policy 6.7 Better Streets and Surface Transport; Policy 6.8 Coaches; Policy 6.9 Cycling; Policy 6.10 Walking; Policy 6.11 Smoothing Traffic Flow and Tackling Congestions; Policy 6.12 Road Network Capacity; Policy 6.13 Parking; Policy 7.2 An Inclusive Environment; Policy 7.3 Designing Out Crime; Policy 7.4 Local Character; Policy 7.5 Public Realm; Policy 7.6 Architecture; Policy 7.8 Heritage Assets and Archaeology; Policy 7.9 Heritage-Led Regeneration; Policy 7.13 Safety, Security and Resilience to Emergency; Policy 7.14 Improving Air Quality; Policy 7.5 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes; Policy 7.19 Biodiversity and Access to Nature; Policy 7.21 Trees and Woodlands; Policy 8.1 Implementation; Policy 8.2 Planning Obligations; Policy 8.3 Community Infrastructure Levy; Policy 8.4 Monitoring and Review.

Draft New London Plan (August 2018 Publication Version): Policy GG2 Making the Best Use of Land; Policy GG5 Growing a Good Economy; Policy GG6 Increasing Efficiency and Resilience; Policy E2 Providing Suitable Business Space; Policy E3 Affordable Workspace; Policy E4 Land for Industry, Logistics and Services to Support



London's Economic Function; Policy E5 Strategic Industrial Locations (SIL); Policy E6 Locally Significant Industrial Sites; Policy E7 Industrial Intensification, Co-location and Substitution; Policy E8 Sector Growth Opportunities and Clusters; Policy E9 Retail, Markets and Hot Food Takeaways; Policy E11 Skills and Opportunities for All; Policy SD6 Town Centres and High Streets; Policy SD7 Town Centres: development principles and Development Plan Documents; Policy SD10 Strategic and Local Regeneration; Policy D1 London's Form, Character and Capacity for Growth; Policy D2 Delivering Good Design; Policy D3 Inclusive Design; Policy D7 Public Realm; Policy D10 Safety, Security and Resilience to Emergency; Policy D11 Fire Safety; Policy D13 Noise; Policy HC1 Heritage Conservation and Growth; Policy HC3 Strategic and Local Views; Policy HC5 Supporting London's Culture and Creative Industries; Policy DF1 Delivery of the Plan and Planning Obligations; Policy G1 Green Infrastructure; Policy G5 Urban Greening; Policy G6 Biodiversity and Access to Nature; Policy G7 Trees and Woodlands; Policy G9 Geodiversity; Policy S11 Improving Air Quality; Policy S12 Minimising Greenhouse Gas Emissions; Policy S13 Energy Infrastructure; Policy S14 Managing Heat Risk; Policy S17 Reducing Waste and Supporting the Circular Economy; Policy S18 Waste Capacity and Net Waste Self-Sufficiency; Policy S19 Safeguarded Waste Sites; Policy S12 Flood Risk Management; Policy S13 Sustainable Drainage; Policy T2 Healthy Streets; Policy T3 Transport Capacity, Connectivity and Safeguarding; Policy T4 Assessing and Mitigating Transport Impacts; Policy T5 Cycling; Policy T6 Car Parking; Policy T7 Deliveries, Servicing and Construction; Policy T9 Funding Transport Infrastructure through Planning; Policy M1 Monitoring.

London Borough of Richmond upon Thames Local Plan (2018): Policy LP1 Local Character; Policy LP2 Building Heights; Policy LP3 Designated Heritage Assets; Policy LP4 Non-Designated Heritage Assets; Policy LP5 Views and Vistas; Policy LP7 Archaeology; Policy LP8 Amenity and Living Conditions; Policy LP9 Floodlighting; Policy LP10 Local Environmental Impacts, Pollution and Land Contamination; Policy LP15 Biodiversity; Policy LP16 Trees, Woodlands and Landscape; Policy LP17 Green Roofs and Walls; Policy LP20 Climate Change Adaption; Policy LP21 Flood Risk and Sustainable Drainage; Policy LP22 Sustainable Design and Construction; Policy LP24 Waste Management; Policy LP25 Development in Centres; Policy LP26 Retail Frontages; Policy LP40 Employment and Local Economy; Policy; LP41 Offices; Policy LP42 Industrial Land and Business Parks; Policy LP43 Visitor Economy; Policy LP44 Sustainable Travel Choices; Policy LP45 Parking Standards and Servicing.

Mayor of London Supplementary Planning Guidance (SPGs): Accessible London: achieving an inclusive environment (October 2014); Character and Context (June 2014); Culture and Night-Time Economy (November 2017); Land for Industry and Transport (September 2012); London Planning Statement (May 2014); Sustainable Design and Construction (April 2014); The Control of Dust and Emissions during Construction and Demolition (July 2014); The Mayor's Municipal Waste Management Strategy (November 2011).

West London Waste Plan (WLWP (2015): WLWP 2 Safeguarding and Protection of Existing and Allocated Waste Sites

London Borough of Richmond upon Supplementary Planning Guidance / Documents (SPDs): Buildings of Townscape Merit SPD (May 2015); Car Club Strategy SPD

(December 2006); Design Quality SPD (February 2006); Development Control for Noise Generating and Noise Sensitive Development (SPD (September 2018); Planning Obligations SPD (July 2014); Refuse and Recycling Storage Requirements SPD (May 2015); Shopfronts SPD (March 2010); Sustainable Construction Checklist (January 2016)

London Borough of Richmond upon Thames Village Planning Guidance: East Twickenham Village Planning Guidance SPD (June 2016); St Margarets Village Planning Guidance SPD (June 2016).

Conservation Area Statement: Crown Road St Margarets CA49

All local policies and documents referred to in this letter are available to view on the Council's website ([www.richmond.gov.uk](http://www.richmond.gov.uk)).

**Professional Comments:**

Further to your meeting dated 11<sup>th</sup> February 2020 with Case Officer Ms Joanne Simpson (also attended by Conservation Officer Ms Nicolette Duckham and Urban Design Officer Mr Marc Wolfe-Cowen), the Local Planning Authority has now had the opportunity to undertake a comprehensive assessment of the application, with Senior Planner level input.

The main issues for consideration are:

- the principle of development / land use;
- character, appearance and impact on heritage assets;
- impact on neighbouring amenities;
- ecology, biodiversity and trees;
- flood risk;
- sustainability;
- transport and highways.

**Principle of development / land use**

*Site A*

The Studios currently consists of several sound-proofed stages, dressing rooms, make-up, hairdressing and wardrobe departments, camera rooms, prop rooms, art departments and office suites. In addition, there are a number of areas providing work space, post-production space and ancillary floor areas.

The scheme proposes the refurbishment of Twickenham Film Studios, increasing the usable floor area and rationalising existing floorspace to increase efficiency. It is understood that these works are essential to ensure the continued operation of the Studios on this site. Block A would be a new building which would include shared workspace and offices. The submitted drawings appear to show a café at ground-floor.

London Plan Policy 4.6A states that the Mayor will, and boroughs and other stakeholders should, support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to their residents, workers and visitors.

Draft New London Plan Policy HC5(A) states that the continued growth and evolution

of London's diverse cultural facilities and creative industries is supported. Policy HC(A1) states that boroughs should protect existing cultural venues in town centres and places with good public transport connectivity.

Twickenham studios is recognised by the Council as important for creative industries, for the range of employment uses on site and for its contribution to the local and wider economy. The application would ensure the continued operation of the film studios on this site via improved facilities, refurbishment of existing space and the expansion of the Studios, which officers support.

London Plan Policy 4.4 categorises Richmond borough as Restricted Transfer, which means that industrial land should not be released for other uses. The application site is designated in the Council's Local Plan as a Locally Important Industrial Land and Business Park (LILPB). These sites are important for warehousing, distribution, storage and other industrial employment. Proposals for non-industrial development will be resisted unless the proposed uses are ancillary to the principal industrial-type use on the site.

Local Plan Policy LP42 sets out that there is a presumption against loss of industrial land in all parts of the borough. In relation to designated LILPB, policy states that loss of industrial floorspace will be resisted unless appropriate replacement floorspace is provided. Further, development of appropriate scale industrial uses, and improvement and expansion of such premises, is encouraged. Proposals for non-industrial uses will be resisted where the introduction of such uses would impact unacceptably on industrial activities.

For new industrial space, Policy LP42 goes on to state that development of appropriate of appropriate scale industrial uses, and the improvement and expansion of such premises, is encouraged. New industrial space should be flexible and adaptable for different types of activities, and be suitable to meet future needs, especially provision for the requirements of local businesses.

The application for the expansion of Twickenham Studios, which is recognised for its importance in and contribution to the local and wider economy, would therefore be supported. The provision of shared workspace and offices in Block A is also supported. No concerns are raised regarding the principle of a café in this location.

Please note that a future application would require the submission of details regarding the proposed phasing of the works, to demonstrate the continued use of the Studios throughout the construction phase.

With regards to the other uses proposed on site, to include offices and retail, a future application would need to clarify whether these uses would be ancillary to the Studios, and/or demonstrate its acceptability in this location. Site A is in St Margarets AMU and is designated as a local neighbourhood centre. Policy LP25 of the Local Plan is therefore relevant. LP25(A) states that development in the borough's centres, as defined in the centre hierarchy, will be acceptable if it:

1. Is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre; and

2. Is in an appropriate location, as follows:

- a) A1 uses should be located within, adjacent to or well-related (or capable of being made so) to designated shopping frontages.
  - b) For other appropriate uses (as per LP25(B and C) which relates to development in the borough's five main centres), major development and/or developments which generate high levels of trips should be located within a Main Centre Boundary. Elsewhere, development should be located within the defined AMU boundary.
3. Does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre. When assessing proposals for development outside of existing centres, applicants will have to comply with the requirements of national policy and guidance in relation to impact assessments. For retail developments, including extensions of over 500sqm gross, the Council will require a Retail Impact Assessment. The scope of such assessments will need to be agreed with the Council before submitting a planning application; and
4. Optimises the potential of sites by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre. Commercial or community uses should be provided on the ground floor fronting the street, subject together Local Plan policies, including the retail frontages policy LP26.

LP25(C) states that in addition to LP25(A) above, in the local and neighbourhood centres as well as parades of local importance, the following applies;

1. Appropriate uses could include new retail (including markets), business or employment developments, which maintain suitable provision for small businesses, and other uses, which primarily serve the needs of the local community or attract visitors and develop cultural opportunities.
2. Development should, wherever possible, include overall improvements and enhancements of the small centres where appropriate, and/or modernise outdated premises.

The refurbishment and extension of operations related to the Twickenham Film Studios, which would optimise cultural opportunities and create employment in the area, is therefore considered to be an appropriate use for this site. This would be subject to a Local Employment Plan demonstrating the uplift in jobs and employment opportunities generated, and setting out how this would benefit local residents. The proposed 200sqm of retail is not considered to impact on the vitality of existing local shops in St Margarets. Please be aware that should the retail floorspace exceed 500sqm, a Retail Impact Assessment will be required. The Council would be seeking to have this independently assessed, the cost of which the applicant would be expected to meet. As already stated above, it would need to be clarified in a future application whether and which of the proposed uses would be ancillary and related to the operation of the Studios.

### *Site B*

Arlington Works is an existing waste site in West London and is counted against the apportionment figure.

Each borough has been allocated an amount of London's waste that it is required to positively plan for and manage. This includes ensuring that sufficient capacity is identified to meet the apportioned targets in the London Plan.

London Plan Policy 5.17(F) states that boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in the London Plan. 5.17(Ga) states that land to manage borough waste apportionments should be brought forward through protecting and facilitating the maximum use of existing waste sites, particularly waste transfer facilities and landfill sites. 5.17(H) states that if, for any reason, an existing waste management site is lost to non-waste use, an additional compensatory site provision will be required that normally meets the maximum throughout that the site could have achieved.

In addition to the above, London Plan Policy 5.19 states that development proposals that would result in the loss of existing sites for the treatment and/or disposal of hazardous waste should not be permitted unless compensatory hazardous waste site provision has been secured in accordance with Policy 5.17(H) above. This is with the objective of achieving waste net self-sufficiency in London, details of which are set out in the Mayor's 'Municipal Waste Management Strategy'.

The latest Draft New London Plan is more explicit on the release of existing waste sites. Draft Policy SI9 states that:

- a) existing waste sites should be safeguarded and retained in waste management use;
- b) waste facilities located in areas identified for non-waste related development should be integrated with other uses as a first principle where they deliver clear local benefits;
- c) waste plans should be adopted before considering the loss of waste sites; the proposed loss of an existing waste site will only be supported where appropriate compensatory capacity is made within London that must at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost.

Supporting para. 9.92 states that any waste site release should be part of a plan-led process, rather than on an ad hoc basis.

The national Planning Policy Guidance (PPG) on Waste states that Waste Planning Authorities should have regard to the apportionments set out in the London Plan when developing their policies. The Local Waste Plan will need to be in general conformity with the London Plan,

Local Plan Policy LP24 states that proposals affecting existing waste management sites, as well as proposals for new or additional waste management facilities, will need to be assessed against the policies of the West London Waste Plan (WLWP).

Prepared jointly by the six West London boroughs of Brent, Ealing, Harrow, Hounslow, Hillingdon, Richmond upon Thames and the Old Oak and Park Royal Development Corporation (OPDC), the WLWP identifies and safeguards sufficient sites for waste management facilities in the area to satisfy the waste apportionment targets established in the London Plan. These were selected through a rigorous process lasting a number of years where the public and industry were invited to express their opinions and suggest suitable sites. Site No. 335 is the existing 0.23ha Arlington Works (Site B of the pre-application proposal).

With particular reference to Arlington Works, Appendix 2 on p. 78 of the WLWP identifies this site as an existing waste management site in West London. The WLWP also makes it clear that this site counts against the apportionment figure. The relevant policy in relation to existing waste management sites is WLWP 2. This policy states that land accommodating existing waste management uses in West London will be protected for continuous use for waste management. The safeguarding of these site is required as they form an essential resource for dealing with all waste streams within the Waste Plan area. This policy ensures general conformity with Policy 5.17(Ga) and para. 5.82 of the London Plan.

To ensure no loss in existing capacity, redevelopment of any existing waste management sites must ensure that the quantity of waste to be managed is equal to or greater than the quantity of waste for which the site is currently permitted to manage, or that the management of waste is being moved up the waste hierarchy. Development for non-waste uses will only be considered in land in existing waste management use if compensatory and equal provision of capacity for waste, in scale and quality, is made elsewhere within the West London boroughs.

The applicant's attention is drawn to planning application 18/2714/FUL, which was refused 19/09/2019, partly as a result of loss the waste facility. Please refer to the planning history above for the full wording of the reason(s) for refusal.

The submitted planning statement states that the applicant is aware of the above refusal and that will develop a strategy to address this issue in the event that they can secure the site. Please note that unless a replacement waste capacity is secured elsewhere in the WLWA, the loss of this safeguarded waste site will not be considered and there would be an in principle objection to the application.

The application would involve the removal of oil storage tanks, a garage and associated machinery. This floorspace forms part of an industrial site and therefore Local Plan Policy LP42 is relevant. As already stated in relation to Site A above, the borough has a very limited supply of industrial floorspace and demand for this type of land is high. The Council will therefore protect, and where possible enhance, the existing stock of industrial premises to meet local needs.

Policy LP42(A) states that there is a presumption against loss of industrial land in all parts of the borough. Loss of industrial space (outside of the LILBPs) will only be permitted where:

1. Robust and compelling evidence is provided which clearly demonstrates that there is no longer demand for an industrial-based use in this location and that

there is not likely to be in the foreseeable future. This must include evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial use completed over a minimum period of two continuous years in accordance with the approach set out in Appendix 5 of the Local Plan; and then

2. A sequential approach to redevelopment or change of use is applied as follows:
  - a) redevelopment for office or alternative employment uses;
  - b) mixed-use including other employment-generating or community uses.

Should a suitable replacement site be found in accordance with the policy requirements set out above, the principle of redevelopment of the site for employment uses as a film studio would be acceptable. A future application would need to be clear about the intended use of this site. An application for a non-industrial use would need to comply with Policy LP42 above. Further, it is not clear for whom the 31 no. parking spaces are intended, and to what Use they would be associated. This would need to be clarified in a future application. The applicant's attention is also drawn to Local Plan Policy LP25(A)(2) which states that proposals not in a neighbourhood centre or AMU, such as Arlington Works, including extensions to existing retail and leisure developments of more than 200sqm gross, should satisfy the Sequential Test as set out in national policy and guidance.

### **Character, appearance and impact on heritage assets**

The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area on the exercise of planning functions.

According to the NPPF, paras 193-202, great weight should be given to the conservation of designated assets when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial, total loss or less than substantial harm to its significance. Para. 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan Policy LP1 states that new development must be of a high architectural and urban design quality based on sustainable design principles. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively to, its surroundings based on a thorough understanding of the site and its context. Policy LP3 states that the Council will continue to protect areas of special significance by designating conservation areas. It is particularly important that any scheme not only preserves but positively enhances the conservation area. Policy LP4 states that the Council will seek to ensure and

encourage the preservation and enhancement of BTMs and will use its powers where possible to protect their significance, character and setting.

Further guidance can be found in the relevant Village Planning Guidance SPDs, the Crown Park St Margaret's Conservation Area Statement CA49, and the Council's SPD on Design Quality. The Design Quality SPD advises that in places where there already exists a very distinct character, there will be scope for very high-quality architectural creativity; however, in some instances a scholarly replica may be the best approach.

The entirety of Site A and B, with the exception of proposed Block A, sit in Area 11 of the East Twickenham Village Planning Guidance. The SPD provides the following character summary:

*'This area is part of the site of the former Twickenham Park which was developed with houses from the mid-nineteenth century. It is defined partly by the numerous Conservation Areas between the railway line to the north and St Margarets Road to the south. The character area is comprised of Arlington Close, the northern parts of Arlington Road, Ellesmere Road and the loop of The Barons.'*

Relevant to Sites A and B is the SPD's description of the Barons, whose character is described thus:

*'This area includes The Barons and the southern end of Arlington Close. Twickenham Studios forms much of the north western boundary of this area, running along the railway line. These are large, warehouse-type structures with a pebbledash wall that runs in front of them along The Barons. At the south end of Arlington Road is a four-story block of flats dating from c.1970s.*

*The rest of The Barons is made up of three-storey flats, clearly of the same development, constructed c.1930. Kelvin Drive is a small cul-de-sac which leads off The Barons at its north end; it also has flats with their brick facades and pantiled mansards, as well as two stuccoed houses. The flats have retained their character and appear to contain original steel leaded windows and front garden areas.*

*Despite the industrial character of the Studios, these streets are tree lined and the studio buildings are not unduly prominent in the general streetscape.'*

Dominant materials and features characteristic of the area are identified to include: red brick, pantiles, steel leaded windows, hung tiles, chimneys and tree-lined streets.

Also relevant is the character of the east of, Arlington Road which is described thus:

*'The east side of Arlington Road is made up of semi-detached houses of a regular design with inset, round-headed porches and rendered elevations. They appear to have originally had pebble-dash rendered facades which in many cases have been replaced with stucco. Many of the timber casement windows have been replaced with uPVC. The front boundary walls have not survived as well as those on Ellesmere Road; most front gardens have been fully converted*



*to parking. On the west side are blocks of flats from the first half of the twentieth century. By and large, these are fairly unremarkable but some have attractive Deco detailing. One of these blocks is built of multi-coloured brick and is of an earlier date than the others. The ground floors of the flats are below street level, at the height of a normal basement. On the west side of this junction stands an attractive Victorian house built from gault brick.*

*This street also has wide pavements with tree lined streets, with the perception that they were originally laid out with grass verges that have been subsequently tarmacked over. The pavements here too are a haphazard mixture of materials.'*

Dominant materials and features characteristic of the east of Arlington Road include: red brick, stock brick, render, pebbledash, clay tiles, applied half-timbering, chimneys, timber doors and timber casements with leaded lights, steel windows, projecting bays, chimneys, dwarf red brick front garden walls, flat roofs, street trees.

Threats from development are identified as the replacement of historic windows and doors with those of modern materials (uPVC) or designs that do not follow the original glazing pattern and opening style, and off-road parking, particularly along parts of Arlington Road, which has a detrimental impact on the regularity of the street scene and its integrity. Development opportunities include the improvement of the public realm including footpath renewal and reinstating grass verges where they have been tarmacked, improvements to the boundaries and areas adjacent to Twickenham Studios, and the improvement of unattractive parking prevention methods along Arlington Road (for example, bollards around green space).

Proposed Block A in Site A sits in Area 4 of the St Margaret's Village Planning Guidance, whose boundary abuts the application site's southern boundary. The SPD describes the character of the area thus:

*'The Conservation Area is situated around St Margarets railway station and the area south to Crown Road. It adjoins Twickenham Park Conservation Area (14) to the east. It gained Conservation Area status in 1988 and was extended to include Nos. 34-48 and 35-43 of Crown Road in 1996 which form the last group of shop frontages before the road becomes residential.*

*The railway station is a prominent feature and provides the focal point for the surrounding areas. St Margarets train station is adjoined primarily by shopping and commercial facilities. This area provides unified and active frontages including shops, restaurants and cafes many of which include canopies. These buildings date back to the late 1880s and include a number of original shopfronts, terracotta panels and swags.*

*Buildings in St Margarets Road and Crown Road host Dutch gables which add to the profile of the properties. With the exception of St Margarets public house, the buildings are red brick with slate roofs and stucco Italianate style.*

*Crown Road is narrower than St Margarets Road and while the properties are similar it does not provide the grand scale seen in St Margarets Road.'*

Characteristic materials and features are identified to include: densely developed commercial, active frontages including shops, restaurants and cafes, red brick and slate, stucco Italianate style.

Threats from development include cluttering of the streetscape, over-dominance of signage and satellite dishes, loss of traditional architecture through building upgrades, pressures from increased car usage and traffic congestion impacting the environmental conditions and setting of the area. Opportunities include the enhancement of the architectural quality of the area through the sympathetic use of materials for roofs, doors, windows and walls, limiting the use of signage and when it is provided, ensure that it is sympathetic in terms of design, size and materials, and improvements to the overall streetscape of the area including the area outside Twickenham Studios, as also identified in the East Twickenham Village Planning Guidance.

The Conservation Area Statement for Crown Road St Margarets CA49 highlights that the area consists of late 19<sup>th</sup>-century residential infill built in the aftermath of the railway, on the line of the old route from Twickenham to Isleworth. The character of the area is described thus:

*‘The shopping frontage, railway station and other buildings form a continuous unified frontage in terms of architectural style and materials. The buildings date from the late 1880s and include a number of original shopfronts, and good quality detail such as terracotta panels and swags. The public house creates a major landmark and the area has a distinct physical identity. The island site also includes a small terrace of early largely unaltered cottages of great character and charm.*

*The conservation area was extended to include nos.34-48 and 35-43 Crown Road, which are equal to the rest of Crown Road in terms of architectural interest and form the last group of shop frontages before the road becomes residential.*

*Positioned on a spur of higher ground extending eastwards from Twickenham, the junctions of St. Margaret’s Road with Amyand Park Road and Crown Road both create a sense of place largely attributable to the multiplicity of converging frontages and the natural rise in the ground at this point. Both in St. Margaret’s Road and Crown Road pedimented Dutch gables add interest to the profile of the building frontages. Buildings are predominantly in brick with the St. Margaret’s public house being the only building with stucco ‘Italianate’ enrichment, appropriate for its key position.*

*The area could be described as being composed of the commercial frontage of a densely developed surrounding residential area. The station building (currently heavily disfigured by an ugly canopy), the flower stall adjacent to no.165 St. Margaret’s Road and the many interesting shop frontages add visual variety and activity to the core of this area.’*

Problems and pressures include lack of coordination and poor quality of street furniture and flooring, poor pedestrian safety and the loss of original or quality shopfronts and

unsympathetic alterations and advertisements, as well as the development threats identified in the St Margaret's Village Planning SPD.

The applicant has provided some indicative floorplans and CGI images of the proposed design. The design of the scheme was also discussed with the Council's Conservation and Urban Design Officers as part of the applicant's pre-application meeting with the Case Officer. It is understood that the design proposals are at an early stage and that high-level comments are sought.

#### Site A

Part of Site A (Block A) sits within the Crown Road St Margarets Conservation Area, which lies adjacent to the rest of the site to the south. There are a number of BTMs to consider, including the shopping parade to the south on St Margaret's Road and nos. 1 to 14 The Barons to the east.

The proposals for Site A are for the demolition, refurbishment, extension and retention of existing buildings (Blocks B to H) and the provision of a new building on the corner of St Margarets Road and The Barons (Block A).

#### *Block A*

A new four-storey frontage building is proposed on the corner of St Margarets Road and The Barons, which is proposed to 'turn the corner' into the development. A desktop review of historic maps shows two further buildings at the end of the terrace on Crown Road curving round into the site, therefore the introduction of a new building here would be an opportunity to reinforce the previous built pattern, and no objection is raised regarding the principle of a new building in this location.

Block A is considered to be in a focal position at the entrance to the site. It is also sited within the conservation area and has a close relationship with neighbouring BTMs. The location is therefore particularly sensitive.

The current design of a new building here is considered to appear unduly discordant and 'anywhere' in terms of character to be able to successfully fit into this location. The applicant is advised to explore a design which follows the rhythm of the existing frontages, in order to complete the terrace which is currently missing its corner elements. It is advised that windows should pick up on the rhythm of the existing terrace fronting St Margarets Road, though a modern idiom of this might be acceptable. Officers have concerns about the 'guardrailing' along the frontage of the proposed café. It would be preferable to have a larger gap to the existing element of Block B to make the distinctive side elevation more visible. Further, the proposed building is considered to be too tall at present. A building more in scale with the existing terrace should be explored.

#### *Block B*

The distinctive main building is proposed to be retained, with the scheme aiming to improve its appearance. Officers have concerns regarding the darkness of the proposed new windows, which appear dingy and uninviting. The existing windows currently have visually interesting 'period' light blue finishes, and the applicant is encouraged to retain/replicate this design.

There are concerns that Block B would appear hemmed in by the proposed building at Block A. Further clarification is also required regarding proposed designs at roof-top level. The applicant's attention is drawn to planning application ref. 14/0735/FUL under which permission was granted for an additional floor to this building. Conservation and Urban Design officers commented at the time that the retention of the distinctive castellation on the roof is preferable, as a part of the original design of the building, which contributes to an interesting skyline. Officers' advice is therefore to ensure that this feature is retained, as a distinctive element.

With regards the new building to the rear, officers have concerns that this appears to dwarf the original building to the front. The applicant is encouraged to explore reducing the height. As a minimum, it is recommended that the top floor is set in further.

#### *Block C*

The existing warehouse building would be retained. The proposals show images on most exposed walls, and TW1 graphics on the roof.

This large structure faces residential dwellings and therefore officers have concerns that such an extensively commercial-looking frontage would be appropriate in this location. There may be scope to incorporate an element of the commercial design with a more conventional frontage. The applicant is encouraged to explore the possibility of a green wall, which would soften the overall appearance. Officers also encourage the applicant to explore whether there is a possibility of the roof being used as a possible public space, which could still incorporate the graphics, subject to it protecting the amenities of nearby residents.

#### *Blocks F, G and H*

It is understood that these buildings are to be retained as existing.

#### Site B

Site B comprises two rows of BTM cottages. The proposal is to retain these buildings, though it is not clear whether they would be extended or significantly altered. Officers are unlikely to support the extension or significant alteration of these significant buildings.

The application proposes the removal of oil storage units and a garage structure. Notwithstanding the concerns about the principle of their removal, there is no objection to the demolition proposals on this site from a design perspective, as these do not affect any important buildings, from what can be seen at this stage in the proposal. The inappropriate large-scale of the refused scheme on this site (ref. 18/2714/FUL) should be avoided. This application was refused partly on design, which was considered to, by reason of its siting, footprint, mass and of the severe horizontal emphasis of the eastern elevation of the proposed main residential building, combined with the height and siting of the proposed smaller residential building, result in a cramped and contrived form of over development of the site, which would appear overbearing on the existing BTMs on site.

#### Other matters

##### *Public space/landscape*

For a proposal of this scale and importance, officers have concerns about the lack of

‘internal’ public or semi-public space. Space currently appears to be given over entirely to deliveries and vehicles. The applicant is encouraged to explore the provision of more public space.

It is noted that some public improvements appear to be indicated on the perimeter, via a wider pedestrian zone, paving and street furniture. This is welcome in principle as it is a key opportunity identified in the relevant Village Planning Guidance. However, it is understood that these works would involve the removal of street trees. Given the amenity importance of trees on this site, as identified in the Village Planning Guidance, trees of high amenity value would need to be retained. The proposal’s impact on trees is discussed in greater detail in the ‘Trees’ section of this assessment.

The proposed removal of the rendered front boundary wall is welcome, as this is considered to be of a low-quality design and its removal would open up more public space benefits.

### **Residential Amenity**

Local Plan Policy LP8 states that in considering proposals for development, the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings and that adjoining land or properties are protected from overshadowing in accordance with established standards.

The increase in height and scale of the rear of Block B has the potential to cause loss of light, outlook and a sense of overlooking and loss of privacy to the rear windows of properties fronting St Margaret’s Road to the south. Whilst this terrace comprises retail at ground-floor, it is understood that some of the upper floors are residential. This needs considering in further detail and a future application would require the submission of BRE assessment. Please be aware that the Council may require this to be independently assessed, for which the applicant would be expected to meet the cost.

There is potential for unacceptable noise, nuisance and overlooking from the rooftop bar at the front of Block B. The applicant is encouraged to consider this further.

Concerns are raised regarding the visual impact of the overly-commercial appearance of elevation of the elevation of Block C which faces residential properties on The Barons. This is discussed in the ‘Character and Appearance’ section of the report, above.

### **Biodiversity, ecology and trees:**

#### Ecology and biodiversity

Local Plan Policy LP15 states that the Council will protect and enhance the borough’s biodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats.

No objections are raised in principle at this stage though there are concerns about the size of the development, increase in hardstanding and loss of trees.

A future application would need to provide a Preliminary Ecological Appraisal, bat survey and Biodiversity Net Gain. For a development of this size and scale, the Council expects to see a greater proportion of trees and habitat provided. It should also be noted that the railway line boundary which abuts the site is a wildlife corridor, which would need to be protected from lighting and enhanced through new planting. A future application would need to be accompanied by an external lighting proposal.

### Trees and landscaping

Local Plan Policy LP16 (A) states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits. LP16(B) states that to ensure development protects, respects, contributes to and enhances trees and landscapes, the Council when assessing development proposals will:

1. resist the loss of trees, including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice;
2. resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that the site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;
3. require, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the monetary value of the existing tree to be felled will be required in line with the 'Capital Asset Value for Amenity Trees' (CAVAT);
4. require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native species is encouraged where appropriate;
5. require new trees are adequately protected throughout the course of development, in accordance with British Standard 5837 (Trees in relation to design, demolition and construction – Recommendations).

Several of the trees on site are protected by TPO, including the two mature horse chestnut trees T1 and T2 adjacent to Block C and F to the east. These trees are of significant amenity value and there are concerns that the proposal would likely have some impact on them. It is likely that the Council would have an in principal objection to their removal, or to proposals resulting in their harm. Specialist arboricultural input would be required at full planning stage when assessing these trees and their safe retention.

It is understood that two highways Ash trees (highway assets) on St Margaret's Road and highway trees on The Barons would need to be removed to facilitate the proposal. This would be resisted by the Council in accordance with policy above. The onus would be on the applicant to demonstrate why they could not be retained. If their retention was agreed to be unfeasible, adequate mitigation planting within the area to the equivalent CAVAT value of the existing trees to be felled would need to be put forward in any future application. A mitigation scheme that includes CIL funding for tree



planting could also be considered.

The applicant's attention is drawn to the potential implications of emerging London Plan policy in relation to an Urban Green Factor (UGF) score. Policy G5(A) of the Draft New London Plan states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Policy G5(B) states that boroughs should develop a UGF to identify the appropriate amount of urban greening required in new developments. In the interim, the Mayor has set out recommended target scores. Further details can be found at: [https://www.london.gov.uk/sites/default/files/urban\\_greening\\_factor\\_for\\_london\\_final\\_report.pdf](https://www.london.gov.uk/sites/default/files/urban_greening_factor_for_london_final_report.pdf).

The applicant is also encouraged to be mindful of the new Environment Bill, which is currently at Second Reading stage in the House of Commons. It is anticipated that additional consultation may be imposed regarding tree removal, though the specific details are yet unclear.

As it stands, there is an objection to the application on grounds of loss of trees, increased hardstanding scale and massing of the development. The loss of trees is particularly concerning given the flood risk on site (see below). However, it is considered that the application presents a real and genuine opportunity to incorporate trees within a design. This requires further thought on the part of the applicant. Please note that rooftop tree planting would not be considered an acceptable form of mitigation for the loss of public assets via street trees.

A BS5837:2015 Trees Survey and Arboricultural Impact Assessment would be required with any future submission.

#### Green/living roofs and walls

Policy LP17 of the Local Plan states that green roofs and/or brown roofs should be incorporated into new major developments with roof plate areas of 100sqm or more where technically feasible and subject to considerations of visual impact. The aim should be to use at least 70% of any potential roof plate area as a green/brown roof. The onus is on an applicant to provide evidence and justification if a green roof cannot be incorporated. The Council will expect a green wall to be incorporated, where appropriate, if it has been demonstrated that a green/brown roof is not feasible.

It is officers' opinion that there is greater scope to incorporate living roofs into the scheme. The applicant is encouraged to explore this.

#### **Flood risk**

Local Plan Policy LP21(A) states that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere. In areas at risk of flooding, all proposal on sites of 10 dwellings or more or 1,000sqm of non-residential development or more, or on any other proposal where safe access/egress cannot be achieved, a Flood Emergency Plan must be submitted. Where a Flood Risk Assessment (FRA) is required, on-site

attenuation to alleviate fluvial and/or surface water flooding over and above the Environment Agency's floodplain compensation is required where feasible.

The site is in Flood Zone 2 and is therefore at a medium risk of (fluvial) flooding. It is also in a Critical Drainage Area. The submission of a FRA is required and the Sequential Test will be applied. The applicant is also expected to provide details of Sustainable Drainage Systems (SuDS). Given the flooding risk of the area, the proposed removal of trees is a concern.

### **Sustainability/Zero Carbon/Air Quality**

Local Plan Policy LP20(A) states that the Council will promote and encourage development to be fully resilient to the future impacts of climate change in order to minimise vulnerability of people and property. Policy LP20(B) states that new development, in its layout, design, construction, materials, landscaping and operation should minimise the effects of overheating as well as minimise energy consumption in accordance with the following cooling hierarchy:

1. minimise internal heat generation through energy efficient design;
2. reduce the amount of heat entering a building in summer through shading, reducing solar reflectance, fenestration, insulation and green roofs and walls;
3. manage the heat within the building through exposed internal thermal mass and high ceilings;
4. passive ventilation;
5. mechanical ventilation;
6. active cooling systems (ensuring they are the lowest carbon options).

Policy LP20(C) states that opportunities to adapt existing buildings, places and spaces to the likely effects of climate change should be maximised and will be supported.

Local Plan Policy LP22(A) states that developments will be required to achieve the highest standards of sustainable design and construction in order to mitigate against climate change. An application of this nature would need to comply with the following:

- Development of 100sqm or more of non-residential floorspace (including extensions) will be required to comply with the Sustainable Construction Checklist;
- New non-residential buildings over 100sqm will be required to meet BREEAM 'Excellent' standard.

Policy LP22(B) states that developers are required to incorporate measures to improve energy conservation and efficiency as well as contributions to renewable and low carbon energy generation. An application of this nature would be required to achieve zero carbon standards in line with London Plan Policy 5.2.

Policy LP22(C) states that this should be achieved by following the Energy Hierarchy below:

1. Be lean: use less energy
2. Be clean: supply energy efficient
3. Be green: use renewable energy

Policy LP22(D) states that the Council requires development to contribute towards the Mayor of London target of 25% of heat and power to be generated through localised decentralised (DE) energy systems by 2025. The following will be required:

1. All new development will be required to connect to existing DE networks where feasible. This also applied where a DE network is planned and expected to be operational within five years of the development being completed.
2. Development proposals of 50 units or more, or new non-residential development of 1,000sqm or more, will need to provide an assessment of the provision of on-site DE networks and combined heat and power (CHP).
3. Where feasible, new development of 50 units or more, or new non-residential development of 1,000sqm or more, will need to provide on-site DE and CHP. Where on-site provision is not feasible, provision should be made for future connection to a local DE network should one become available.

Applicants are required to consider the installation of low, or preferable ultra-low, NOx boilers to reduce the amount of NOx emitted in the borough. Local opportunities to contribute towards DE supply from renewable and low-carbon technologies will be encouraged where appropriate.

Policy LP22(E) states that high standards of energy and water efficiency in existing development will be supported wherever possible through retrofitting.

Please note that all the above information provided by the applicant would be required to be independently assessed by a sustainability specialist, and that this would be at the applicant's cost and that the relevant zero carbon payment will need to be secured via a legal agreement.

Further, subject to the results of an Air Quality Assessment, which the Council would likely require to be independently assessed, the cost of which the applicant would be expected to meet, the applicant may be required to provide payment for any off-set of carbon emissions needed.

## **Transport**

Local Plan Policy LP44 states that the Council will work in partnership to promote safe, sustainable and accessible transport solutions, which minimise the impacts of development including in relation to congestion, air pollution and carbon dioxide emissions. Local Plan Policy LP45 outlines that developments must demonstrate an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking in the area and local traffic conditions.

If fully built out, the applicant's proposals will result in a net increase of 3,490sqm of B1(b) office land use and 200sqm A1 food/non-food retail land use. For a full application, the applicant will therefore need to submit a full transport assessment and travel plan. Please see the guidance in the link below as to what this document must contain:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/263054/guidance-transport-assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/263054/guidance-transport-assessment.pdf)

The applicant should use the TRICS trip generation site to estimate the net increase

in the number of trips to and from the site by each mode of travel, and should use the data contained in the following link to estimate the likely origin and destination of each trip:

<https://commute.datashine.org.uk/#mode=allflows&direction=both&msoa=undefined&zoom=12&lon=-0.1500&lat=51.5200>

The applicant will need to provide a Healthy Streets Assessment, along with Transport for London's current guidance, and will need to demonstrate how their proposal helps reduce the number of serious and fatal collisions on the highway in accordance with the Mayor's Transport Strategy. More information can be found at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments?intcmp=10094>

For information on travel plans, please see: <https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans>

#### Vehicular parking

The site has a PTAL score of 3/4. For details on this, please see: <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat?Input=TW1+2AA&PlaceHolderText=eg.+NW1+6XE+or+530273%2C+179613&type=Ptal&zoomLevel=15..>

The application proposes 31 no. new parking spaces. It is not clear how this number has been arrived at, or for whom, and to which land use, the provision is intended. Given the need for more public space to be provided on site, and the ecology and design concerns about an excessive use of hardstanding, a future application would need to strike the right balance between adequate parking provision and the ecological and design requirements for the site. London Plan requirements and guidance can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-chapter-six-londons-transport-0>

The applicant is required to provide car share facilities and car club provision where possible. Charging facilities for electric vehicles will also have to be provided in line with the standards set out in the London Plan, which requires 10% active provision (i.e. fully installed from the outset) plus 10% passive provision (i.e. cabling provided for easier future installation of charging equipment).

The site is located within Controlled Parking Zones S, which can be found at: [https://www.richmond.gov.uk/media/8363/controlled\\_parking\\_zones\\_from\\_171212.pdf](https://www.richmond.gov.uk/media/8363/controlled_parking_zones_from_171212.pdf) and Zone F, which can be found at: [https://www.richmond.gov.uk/media/8356/doc-parking\\_zone\\_f.pdf](https://www.richmond.gov.uk/media/8356/doc-parking_zone_f.pdf)

The applicant will need to enter into a legal agreement with the London Borough of Richmond under S106 of the Town and Country Planning Act 1990 which states that employees of this site will be precluded from purchasing business permits within these controlled parking zones.

The applicant will also need to complete an on-street vehicular parking stress survey using the Lambeth Parking Stress Survey Methodology, which can be found at: <https://www.lambeth.gov.uk/sites/default/files/pl->

## [PARKING SURVEY GUIDANCE NOTE Nov 2012 Update.pdf](#)

Regarding the off-street parking the applicant will provide, perpendicular spaces need to be 4.8m x 2.4m, apart from disabled spaces, which need to comply with dimensions in *Inclusive Mobility* (2005). All spaces should have an aisle space behind them of 6m to allow for safe manoeuvring of vehicles.

### Servicing and refuse collection

The applicant will need to submit a revised servicing and delivery management plan. More guidance can be found at: <http://content.tfl.gov.uk/delivery-and-servicing-plans.pdf> and [https://www.richmond.gov.uk/media/7627/refuse\\_and\\_recycling\\_storage\\_requirements\\_spd.pdf](https://www.richmond.gov.uk/media/7627/refuse_and_recycling_storage_requirements_spd.pdf)

### Cycle parking

The applicant will need to provide on-site cycle parking in accordance with the minimum standards set out in the adopted London Plan, which can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-chapter-six-londons-transport-0> and the London Cycle Design Standards, which can be found at: <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit>

### Construction and logistics plan

The applicant will need to provide a full construction management and logistics plan. Please see the guidance in the link below regarding what to include in this: <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>. The Council would also expect for this to include a detailed phasing plan, outlining how the Studio will be able to remain open and operational throughout.

### **Conclusion:**

In view of the above, subject to an alternative waste site being secured, the re-provision of existing industrial space and/or the submission of acceptable marketing evidence to justify its loss, there is no in principle objection to the principle of the development and the land use. However, the application is currently unacceptable on the grounds of inappropriate design, excessive scale and hardstanding and the loss of trees. There may also be concerns regarding neighbouring amenities and more information is required in order to assess the transport and sustainability merits of the scheme.

### **Richmond Design Review Panel:**

The applicant would be expected to present their design proposals to the Richmond Design Review Panel. It is strongly advised that a second pre-application is made before applying for full planning permission, and that more detailed designs be presented to the panel during pre-application stage. Further details and information on fees can be found here: [https://www.richmond.gov.uk/services/planning/richmond\\_design\\_review\\_panel](https://www.richmond.gov.uk/services/planning/richmond_design_review_panel).

### **Planning Performance Agreement:**

Before applying for full planning permission, the applicant would be expected to enter into a Planning Performance Agreement with the Local Planning Authority, more

details of which can be found here:  
[https://www.richmond.gov.uk/services/planning/pre-applications/advice\\_planning\\_performance\\_agreements](https://www.richmond.gov.uk/services/planning/pre-applications/advice_planning_performance_agreements).

### **Documents Required:**

A future application would require the following to be submitted/addressed. Please note that requirements may vary depending on the land use and that this may not be exhaustive. Please refer to Richmond upon Thames' Local Validations Checklist for detailed validation requirements before submitting your application:  
[https://www.richmond.gov.uk/media/18491/local\\_validation\\_checklist\\_for\\_all\\_applications.pdf](https://www.richmond.gov.uk/media/18491/local_validation_checklist_for_all_applications.pdf).

- Application Form
- Design and Access Statement
- Fee
- Ownership Certificate
- Plans (see validation requirements for specifics)
- Heritage Statement
- Photomontage
- Streetscape Drawing
- Transport Statement
- Transport Assessment
- Parking Layouts and Turning Circles
- Parking Survey
- Travel Plan Statements
- Construction Management Statement, to include phasing details
- Flood Risk Assessment
- The London Sustainable Drainage Proforma
- Statement on Sustainable Drainage Systems
- Foul Sewage and Utilities Statement
- Retail Impact Assessment
- Local Employment Plan
- Sustainable Construction Checklist
- BREEAM Pre-Assessment
- Energy Report
- Decentralised Energy Network Feasibility
- Landscaping Scheme
- Tree Survey
- Arboricultural Impact Assessment
- Preliminary Ecological Appraisal
- External Lighting Plans/ Specification Details
- Ecological Mitigation Measures
- Ecological Enhancement Statement
- Green/Brown Roof Details
- Acoustic Assessment and/or Acoustic Design Statement
- Odour Assessment Report and Scheme
- Air Quality Assessment
- Daylight Assessment and Lighting Pollution



- Community Infrastructure Levy form
- Schedule 2 Screening request application / Environmental Impact Assessment
- Health Impact Assessment
- Take-Away Statement

**Without Prejudice:**

Please note that any advice given by Council officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to future planning consents. Any views or opinions expressed are given in good faith and to the best of ability without prejudice to formal consideration of any planning application, which was subject to public consultation and ultimately decided by the Council. You should therefore be aware that officers cannot give guarantees about the final form or decision that will be made on your planning or related applications.

Although the advice note will be brought to the attention of the Planning Committee or an officer acting under delegated powers, it cannot be guaranteed that it will be followed in the determination of future related planning applications and in any event circumstances may change or come to light that could alter the position. It should be noted that if there has been a material change in circumstances, or new information has come to light after the date of the advice being issued, then less weight may be given to the content of the Council's pre-application advice of schemes.

Nevertheless, I hope that the above comments are viewed as constructive and that the pre-application process has been of assistance when submitting any future application. (You are also advised to refer to the local and national validation checklist on the Council's website before making a full submission).

Yours sincerely



Chris Tankard  
**Area Team Manager – Development Management (Richmond North)**  
**Serving Richmond and Wandsworth Councils**

## **APPENDIX TWO – DOCUMENTS RELATING TO PRE-APPLICATION ENQUIRY NO.2**

# Twickenham Studios London LTD

## Twickenham Studios



Hollaway is an award winning architecture and interiors practice that places people and feeling at the core of its philosophy of architecture. With offices in Kent and London and a strong reputation for design, the practice is working in a wide range of sectors including hospitality, hotels, restaurants, education and housing, and in recent years has worked on a number of large scale regeneration schemes across Kent including Dreamland at Margate, the transformative Rocksalt restaurant at Folkestone, and Folkestone Academy.

Recent projects include the award winning Process Gallery for artist Nick Veasey, the first new build Picturehouse in the UK at Ashford for developers Stanhope, a new Winery, Gin Works and Brewery for Chapel Down, and a number of large regen and housing schemes in London including Bromley South Central for U & I and the Fisheries in Hackney's London Fields.

We are committed to delivering high quality projects that present innovative design solutions and excellent value through careful control of cost and programme that ensure client satisfaction.

For all projects undertaken, regardless of scale or budget, we strive to gain a clear understanding of our client's brief to define clear objectives and requirements. We spend time working with our clients and specialist consultants to identify opportunities, allowing us to investigate design options to produce an optimum proposal.



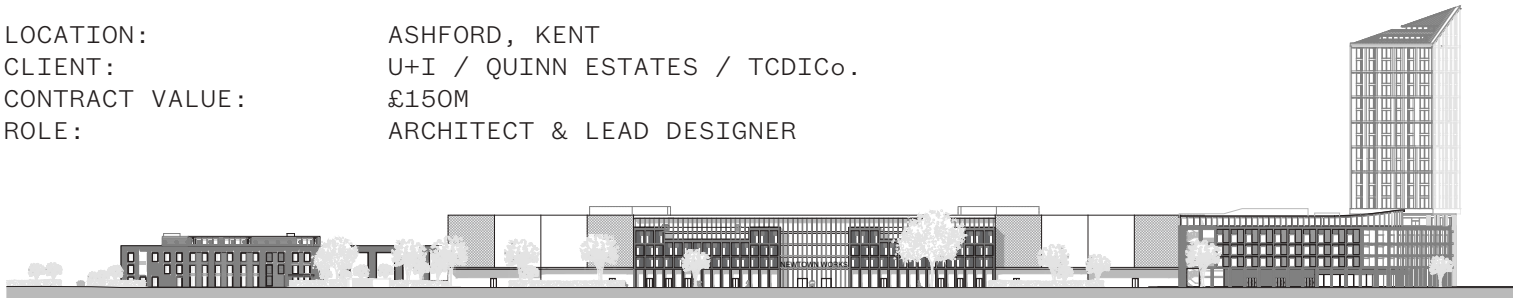


## New Town Works Planning Approved April 2020

When a film producer fell for Ashford’s historic Newtown Works as a promising site for its Creative District film studios plans. Once proud home to the manufacture of Victorian Britain’s train carriages, the derelict Newtown Works is the UK’s longest listed building, and as such any plans for its redevelopment would need to respect its historicity. Working closely with Historic England, it was agreed that the 340-metre-long locomotive sheds could lose their roofs, and that one of the sheds would be demolished to make way for a central street, the changes allowing for a mixed-use site, one that as well as film studios housing world renowned names, would also include co-worker and residential spaces, and a 180-bed hotel.

A light bulb moment, the decision to lose the roofs and create the street was a proper breakthrough. A potentially hugely valuable site, over the last 30 years, multiple ideas for developing the site had stalled, the combination of Newtown’s heritage and dilapidated state proving an obstacle too far. Thanks to Historic England’s openness, we now have a development that allows the new and old to come together. Better still, it sees the new grow out of the old.

LOCATION: ASHFORD, KENT  
CLIENT: U+I / QUINN ESTATES / TCDICo.  
CONTRACT VALUE: £150M  
ROLE: ARCHITECT & LEAD DESIGNER



CGI- Aerial view



CGI - Section



CGI - Studio Facade



CGI - External Space



# Selected Portfolio

## Dagenham Studios Ongoing

East brook studios is an emerging proposal for a key site in East London. Located in Dagenham, the current brownfield land offers a significant site directly opposite Dagenham East underground station. With promising transportation already in place, the biggest hurdle to overcome in the development of this site was how to create a true destination. With aspirations to bring TV and film studios to East London, the brief evolved in line with the creative industry that had already been earmarked for the foundations of the scheme.

Hollaway were appointed by Creative City to design a ‘Creative City.’ A place where creative industries could thrive, putting Dagenham back on the map. The key to this was to offer variety. Film and TV studios alone would provide much needed employment, but the aspiration for the site was much larger. To create a place where people could eat, drink, work, learn, stay, and even live.

LOCATION:	DAGENHAM, EAST LONDON
CLIENT:	CREATIVE CITY
CONTRACT VALUE:	£295M
ROLE:	ARCHITECT



CGI- Aerial view



CGI- Interior



CGI



The Fisheries  
Completed in 2018

Some buildings have no place being where they are. No real sense of the past, no real connection with the present, and no real idea of what they mean for the future, they fail not because there is no formal merit in their design, but rather because they don't work here, right now.

The Fisheries is not that building. On the contrary, having lived and worked in Hackney for decades, having made his living in the food and beverage industry, and being a massive advocate of WeWork culture, it was the client that drove a design consisting of two halves - architecturally as well as in terms of bringing residential and work spaces under the same roof. It was his idea to shroud much of the building in a net.

Utterly engaged, as comfortable with the big picture as he was the finer details, it made for a design and build process, of which the end result is a small and highly relevant mixed-use scheme, one that pays its dues to the fish market that once occupied its footprint, that is in every respect informed by the local, and that possesses the edge and thrust of the area. It looks the part. It feels just right. It works here, right now. It's Hackney.

LOCATION: LONDON FIELDS, HACKNEY  
CLIENT: PRIVATE  
CONTRACT VALUE: £11M  
ROLE: ARCHITECT & LEAD INTERIOR DESIGNER





Elwick Place  
Completed in 2018

Frequent visitors to Elwick Place, Ashford’s brand new leisure complex, will perhaps have wondered at the sight of a man lying in the street, pedestrians and cars gently stopping and re-routing to avoid him. Fear not: all is well. A local resident, he has taken it upon himself to test whether one of Britain’s first ‘shared surfaces’ really does give pedestrians right of way. Until now completely unscathed, his body-on-the-line experiment proves that the scheme works.

Part of a town-wide regeneration project master planned by Hollaway, Elwick includes the country’s first new-build 1000-seat Picturehouse, a 60-bed hotel, a clutch of restaurants and shops, and sits in the centre of the town. One of many counter-intuitive fruits of a partnership between the public and the private, it’s the result of a regeneration policy initiated and managed by Ashford Borough Council, whose vision sees the town eventually restored to its glory days.

With its original cattle-market gates, flying animals, giant picture frames, the cinema’s time-responsive façade, and a rich mix of activities, Elwick Place is an investment in the future, and one that (just like the old days) welcomes with open arms the individual, the different, and the positively eccentric - the man who lies down in the street very much included.

LOCATION:	ASHFORD, KENT
CLIENT:	STANHOPE PLC
CONTRACT VALUE:	£26M
ROLE:	ARCHITECT



Photographs - Completed



Photograph - Completed



## Project Motorhouse Completed in 2018

Britain’s coastal towns are great harbourers of architectural legacies, buildings whose design, engineering, and purpose are living testament of the creativity and prowess of times gone by. Ramsgate in Kent is one such place, its Motor House one such building.

Now utterly dilapidated, the Motor House was carved by Victorian builders out of Ramsgate’s chalk cliff, the coming together of an extraordinary imagination and not much more than pickaxes resulting in an events hall, an amphitheatre, and a roof over which the town’s inhabitants and visitors happily promenaded. Chief among its many attributes is the fact that the amphitheatre is positioned at the back of the building, in the sun, out of the wind, and in possession of views - through the building - of the sea. It has been many things since, including a motor museum, and has for the last decade lain unused and largely forgotten.

Our design for the Motor House aims to restore it to its former glory, creating an events destination comprised of an outdoor and boutique indoor cinema, a restaurant, and community space. Critically, it proposes that the building’s stucco façade consist of a series picture frame windows, the view from the inside thereby experienced as one might art in a gallery. In a word, we hope to make this extraordinary building live again.



CGI- Interior



CGI- Interior



CGI - Aerial view



CGI



# The Site



- BLOCK B

  - Entrance and Reception
  - Offices
  - Prop Storage
  - 'The Lounge' Bar
- BLOCK D

  - Art Department
  - Ancillary
  - Offices
  - Storage
- BLOCK C

  - Studios 2 & 3
  - Ancillary
  - Dressing Rooms
  - Hair and Makeup
  - 2 x Studio
  - Apartments
  - Offices
- BLOCK E

  - Dubbing Theatre 2
  - Projector Room
  - Canteen and Kitchen
  - Offices
  -
- BLOCKS F & G

  - Studio 1
  - Post production facilities
  - Dressing Rooms
  - Hair and Makeup
  - Ancillary
  - Preview Theatre
- BLOCK H

  - Richard Attenborough Theatre
  - Theatre 3
  - Sound Studios
  - Offices
  - Parking
  -



SITE APPLICATION BOUNDARY





KEY PLAN (NTS)



# Existing Site

## Block B





Existing Site  
Block C & D

D

C





Existing Site  
Block E, F & G



E



G



F





Existing Site  
Block H

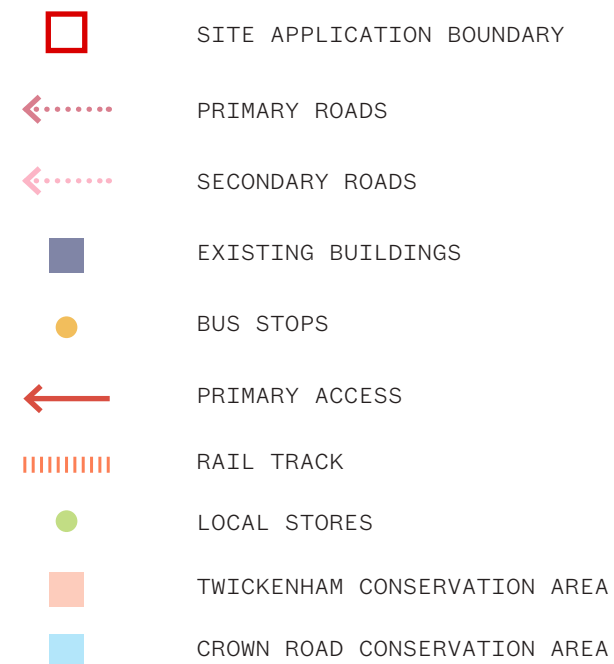
H





Twickenham Studios lies on the corner of St. Margarets Road, and The Barons. It is located in Zone 4 just west of St Margaret's Station, with the South Western rail taking just 26 minutes into Waterloo Station. The central location of the site provides access to numerous local amenities (chains and independent stores) located in and around Twickenham.

Part of the site lies within the Crown Road Conservation area, and adjacent to Twickenham Conservation area.



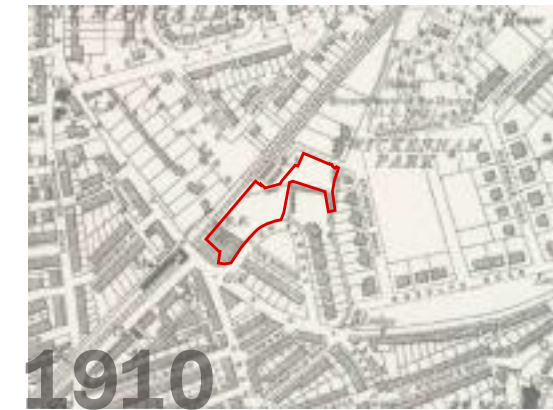


# Twickenham Studios History

Ice skating rink bought by Dr. Ralph Jupp in 1912 - new site as studios opened in 1913.



The House of Temperly - The Studios first release.



During the 1930s the studio produced a raft of “quota quickies,” Low-budget features created to fill the quota requirement established by the Cinematography Films Act of 1927.



Tuesday 29th October 1935 a fire destroyed the old studio building.

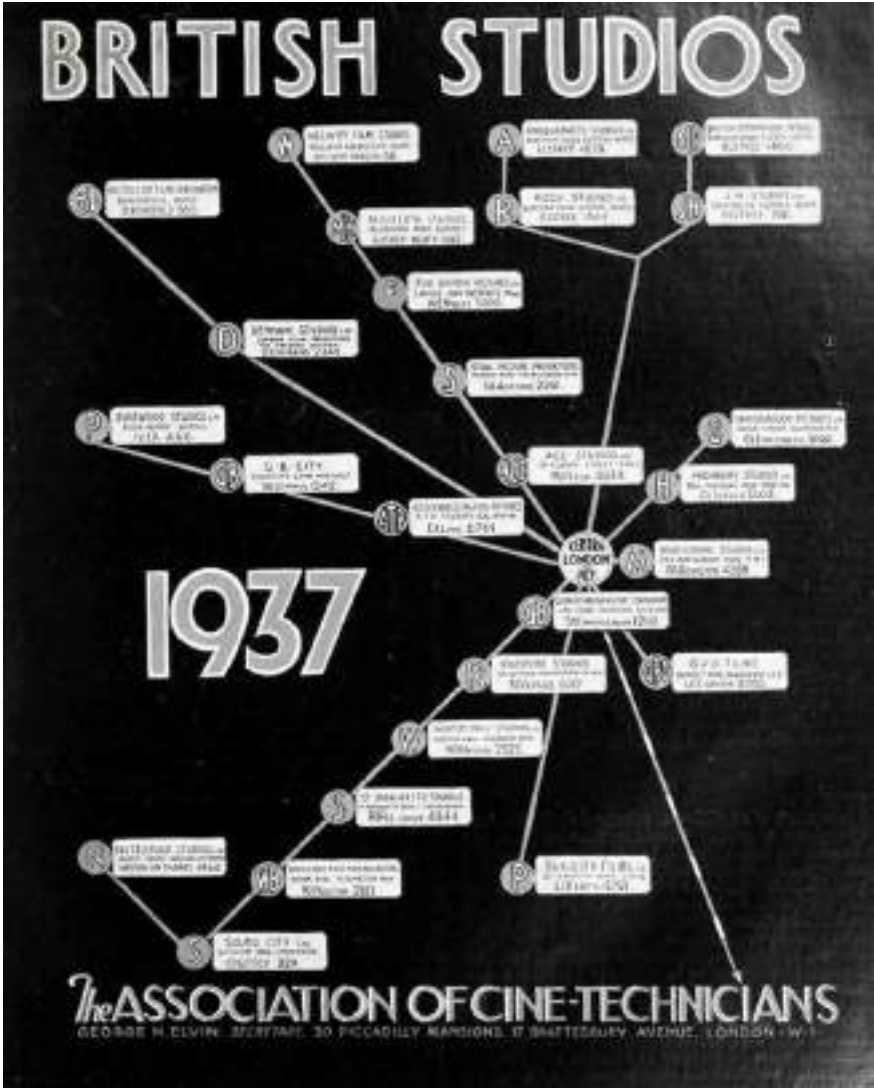
Within days - and by using other studios like Ealing and Shepperton, reducing the size of sets and improvising their way around problems - production continued. On Wednesday, the day after the fire, work started again on “She Shall Have Music” starring Jack Hylton. The film’s main set - the Paris Opera House - was rebuilt but at half its original size.



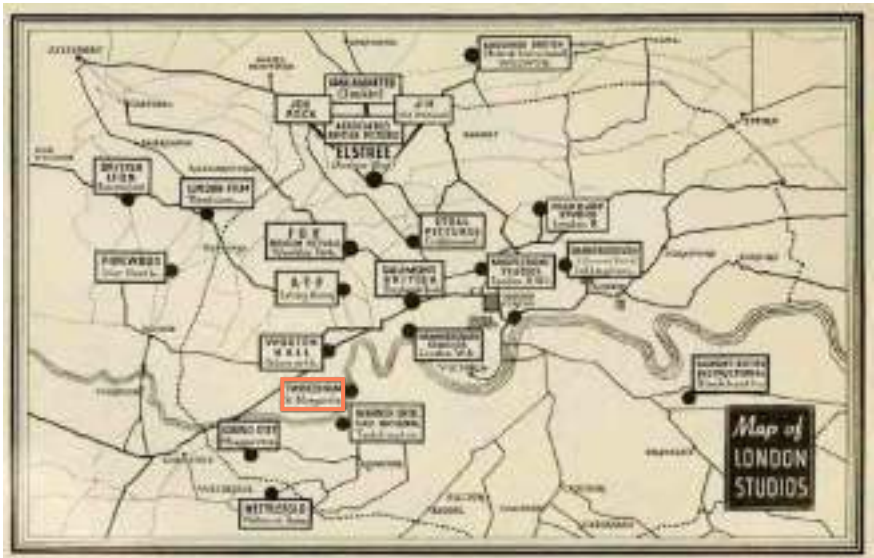
The Phantom Fiend



‘The Marriage Bond’ being filmed at the studios



The Cine-Technician







**A Hard Days Night - 1964**

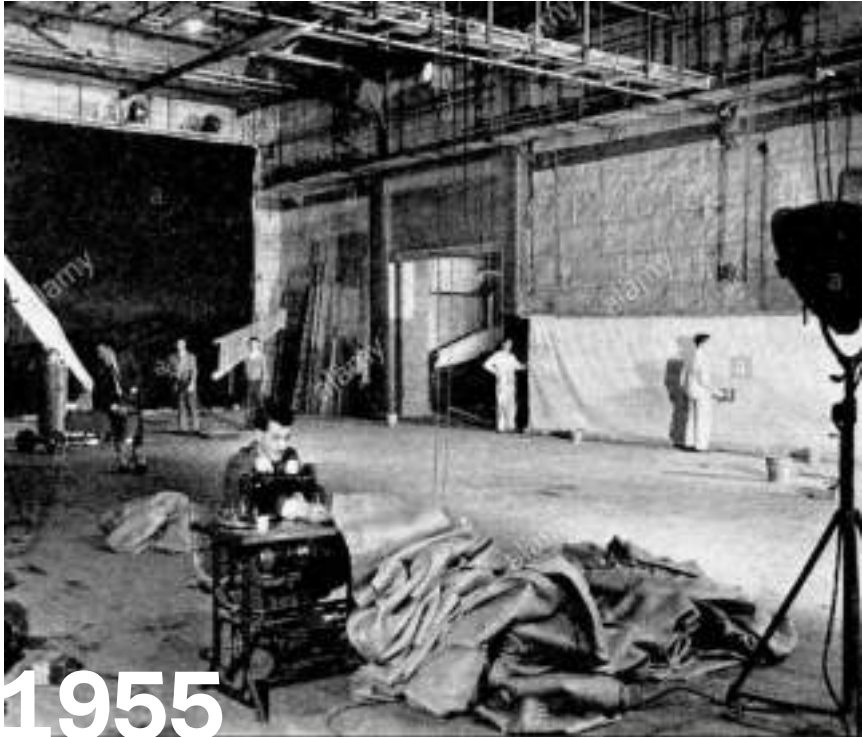


# Twickenham Studios History



1946

1946 - Bought by Alfred Shipman's 'Alliance Film Studios'.  
  
During World War II, filming was discontinued due to bomb damage.



1955

Stage 3



1958

Twickenham Commercial, Jules Hewitt  
  
International profile built up in 1959 when Guido Coen invited to join as studio and production controller



1972

Au Pair Girls



2003



Late 1950's

A teen audience watching Lonnie Donegan and his skiffle group on the set of Six Five Special



1961

The Beatles on set for 'A Hard Days Night'  
  
The film that attracted the most attention was A Hard Day's Night, directed in 1964 by Richard Lester, and starring The Beatles. This engaging comedy was so successful that The Beatles continued their association with Twickenham Film Studios with Help! (1965) and Let It Be (1970).





Steven Spielberg's "War Horse" and Simon Curtis' "My Week With Marilyn" were two of the last major productions to use the Twickenham stages before the studio entered administration in February **2012**.

Most recent creative highlights include Twickenham Studios Oscar-winning sound work on Bohemian Rhapsody and a BAFTA for mixing Sam Mendez's 1917. Other productions that have used the production and post-production facilities include: Baby Driver, Netflix's The Witcher, ITV's Belgravia, The Iron Lady, War Horse and My Week with Marilyn.





The area consists of late 19th century residential infill built following the construction of the railway, on the line of the old route from Twickenham to Isleworth. The shopping frontage, railway station and other buildings form a continuous unified frontage in terms of architectural style, materials and colour. The buildings date from the late 1880s and include a number of original shop fronts. The public house creates a major landmark and the area has a distinct physical identity.

- The urban quality of the street scene is emphasised by three dramatic terraced blocks of red brick, pedimented, dutch gabled design.
- The gables punctuate and enliven the continuous roof scapes
- Moulded, decorative terracotta panels at first floor and above enhance the elevation
- The block on the northern side of the road curves round to follow the line of the pavement forming an important element closing the view from Crown Road to St. Margarets Road.
- The block on the northern side of the road curves round to follow the line of the pavement forming an important element closing the view from Crown Road to St. Margarets Road.





The character is essentially that of the grand Victorian suburb. It is primarily composed around the Victorian Gothic house in Riverdale Road, and the high Victorian houses in Rosslyn Road.

Until recently the unfashionable appearance and excessive size of Victorian middle class suburban houses made their modification expensive and undesirable; their numbers therefore dwindled to such an extent that those remaining now have a degree of rarity value.

This area consists of terraced houses with London Yellow brick elevation with bay windows and white framing surrounding the windows and door surrounds. The roofline is generally pitched.



The character area is part of the former Twickenham Park, which was developed into a residential area with houses from the mid-nineteenth century. The area is defined by the Conservation Areas that are located between the railway line and St Margarets Road.

As shown in the map on the right, majority of the proposed site sits within the character area.

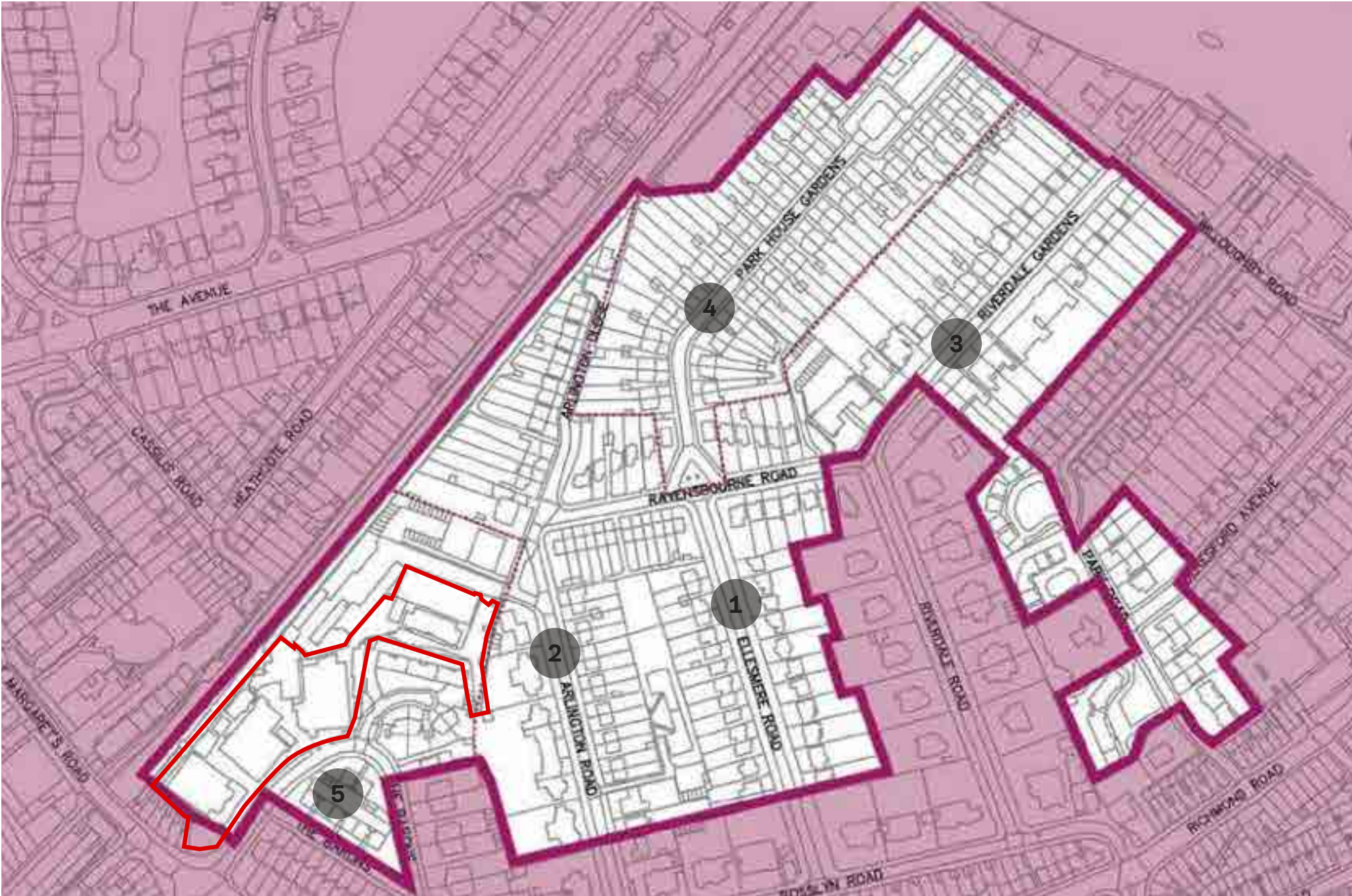
1. Ellesemere Road: features large interwar detached houses, where half timbered gables and bay windows are a typical characteristic.

2. Arlington Road: Semi-detached houses on the east side. These are regular, with inset round-headed porches and rendered elevations. The west side of the road is made up of blocks of flats from the first half of the 20th Century, featuring attractive Deco detailing.

3. Riverdale Gardens: Large red brick houses on its south west end, whilst the rest of the street comprises of semi-detached interwar housing with vernacular inspired details.

4. Park House Gardens: Semi-detached houses with Art Deco details built in the 1950s, featuring hipped pantiled roofs, crittall steel bay windows, and front doors with distinctive glazing patterns.

5. Twickenham Studios: Forms part of The Barons sub-area, running along the railway line. The buildings here are described as ‘large, warehouse-type structures with a pebbledash wall that runs in front of them along The Barons.’ It is also noted that, ‘despite the industrial character of the Studios, these streets are tree-lined and the warehouses are not prominent in the general streetscape.’ (Extracts taken from East Twickenham SPD) The rest of The Barons consists of three storey flats constructed in 1930, featuring original steel leaded windows.



1



2



3



4



5

**Proposal**



Block A

Block A is considered to be in a focal position at the entrance to the site. It is also sited within the conservation area. The location is therefore particularly sensitive. The previous pre-app advised that windows should pick up on the rhythm of the existing terrace fronting St Margarets Road, though a modern idiom of this could be acceptable.

It was suggested to bring the building forward to the edge of the boundary so it is in line with its neighbour to the left. This would better acknowledge the corner and the important street view from the railway station. The architecture was encouraged to respond better to the neighbouring buildings in proportions and materials etc.

The potential for the cafe and office spaces was supported.

Block B

The conservation officer noted the interest and quality of the existing building at Block B and advised it was considered for local listing in the past. Support for the enhancement of the top floor and members’ bar but concern that it would become visually dominant so a “lighter” material palette was recommended.

Block C

Proposed imagery for Block C should understand and support the notion that it should be of iconic design and should show off the site’s use and history. Black and white displays were discussed and have been taken further in the design process.

Overall Site

Potential to boost ecological and environmental performance through the use of photovoltaic array and green roofs.

The proposed removal of the rendered front boundary wall is welcome, as this is considered to be of a lowquality design and its removal would open up more public space benefits.

We have minimised the removal of trees to two located at the front of the site allowing for Block A to form the transition from terraced street to studio buildings. There is potential for a landscape proposal to introduce more trees and shrubbery around the site.



Pre-App 1 - Proposed Masterplan

KEY

Studio Space

Workspace

Retail

Production

Post Production



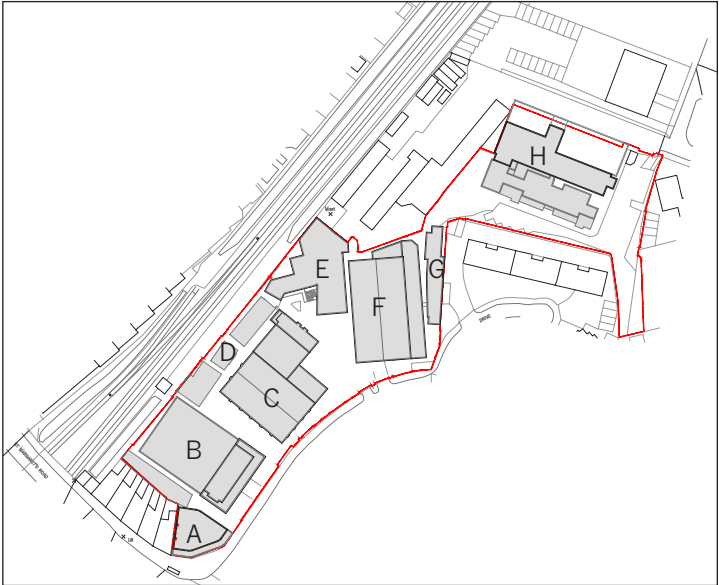
CGI - view from St. Margaret's Road



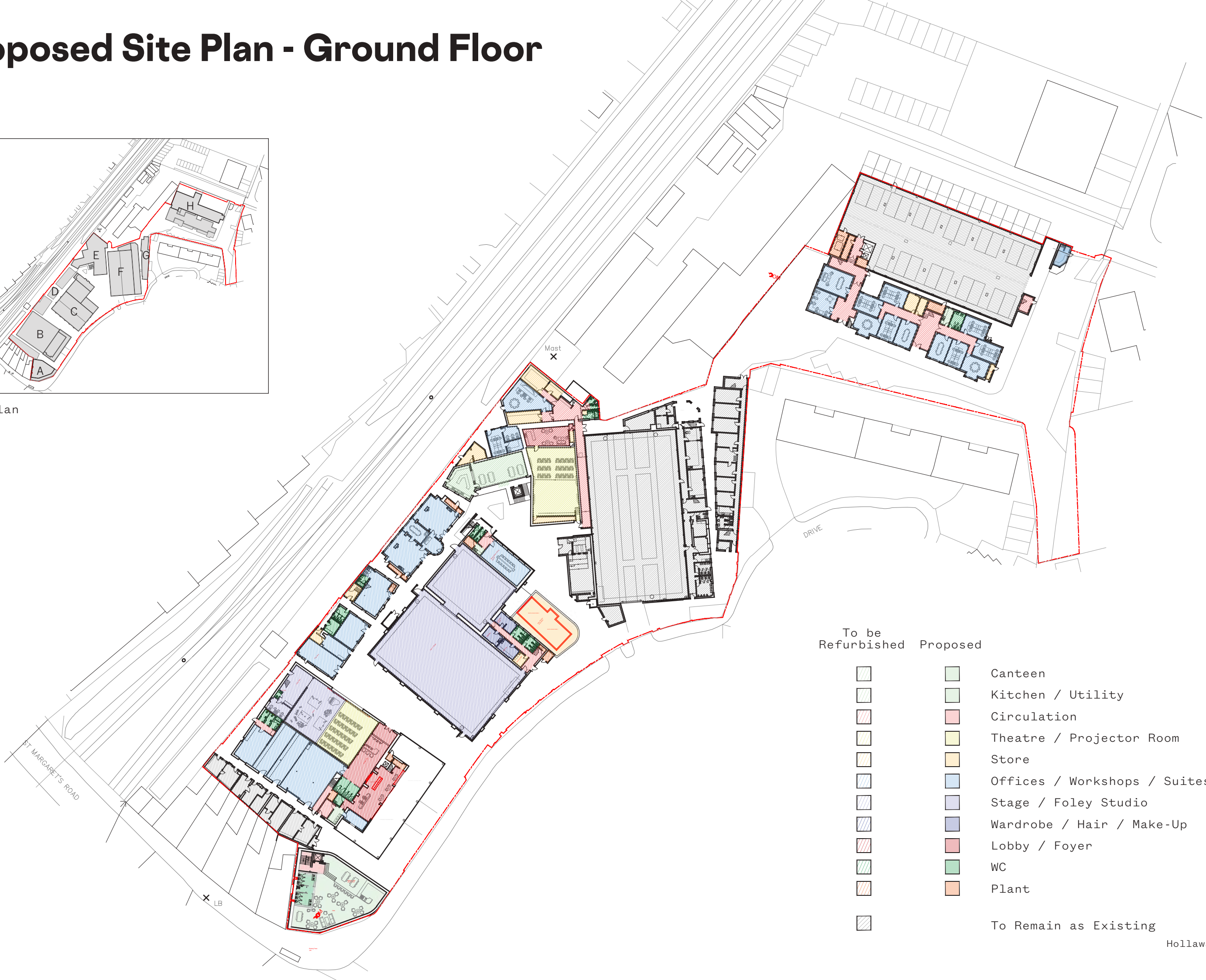
CGI - Aerial



# Proposed Site Plan - Ground Floor

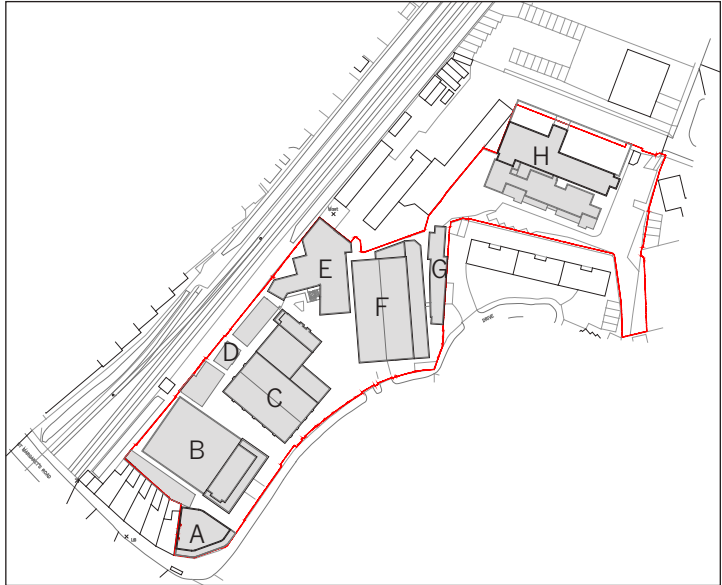


Key Plan

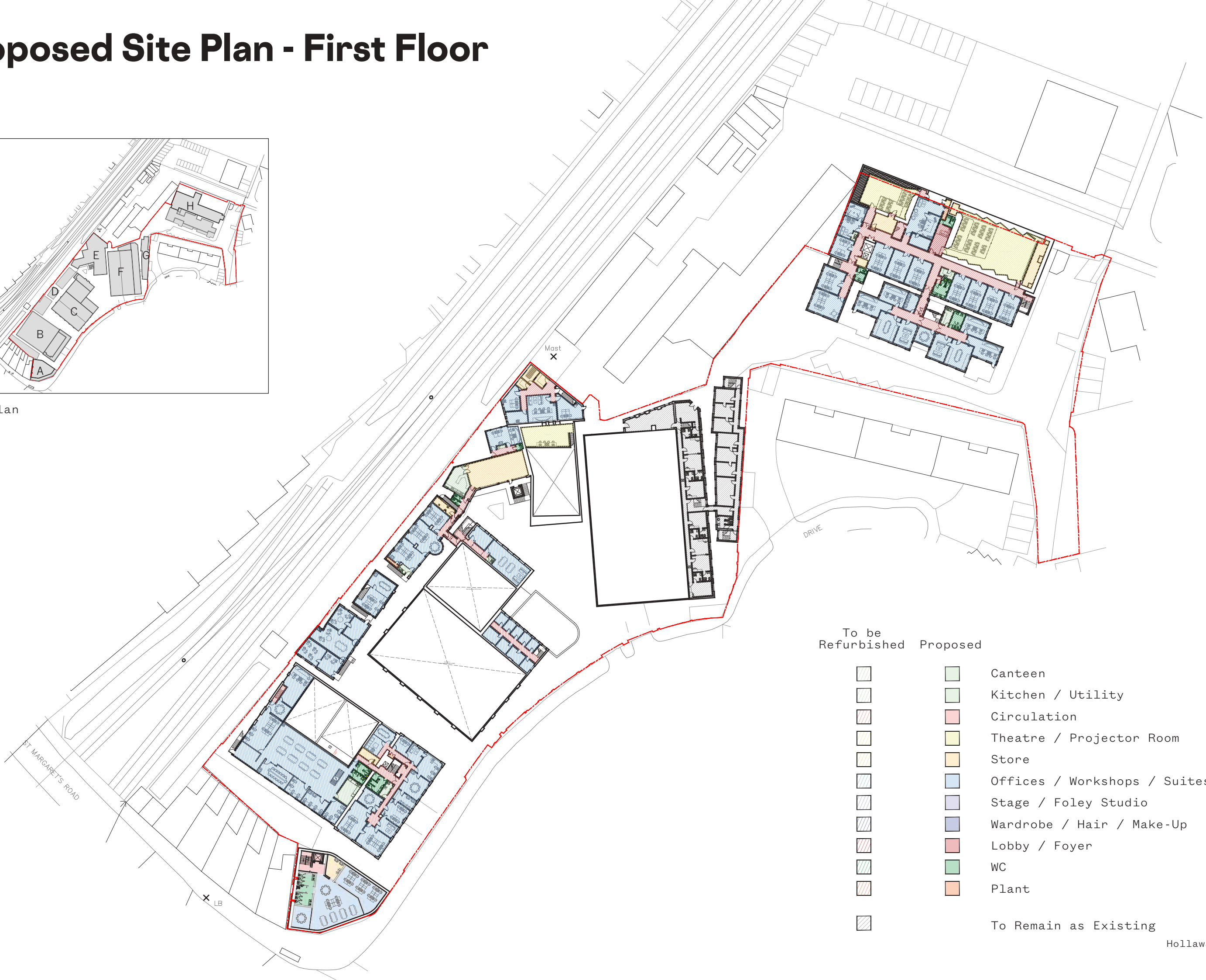


To be Refurbished	Proposed	
		Canteen
		Kitchen / Utility
		Circulation
		Theatre / Projector Room
		Store
		Offices / Workshops / Suites
		Stage / Foley Studio
		Wardrobe / Hair / Make-Up
		Lobby / Foyer
		WC
		Plant
		To Remain as Existing

# Proposed Site Plan - First Floor



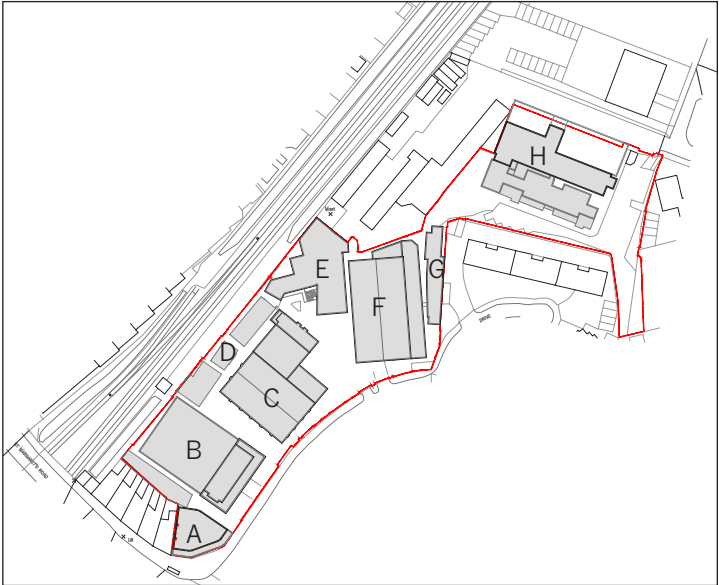
Key Plan



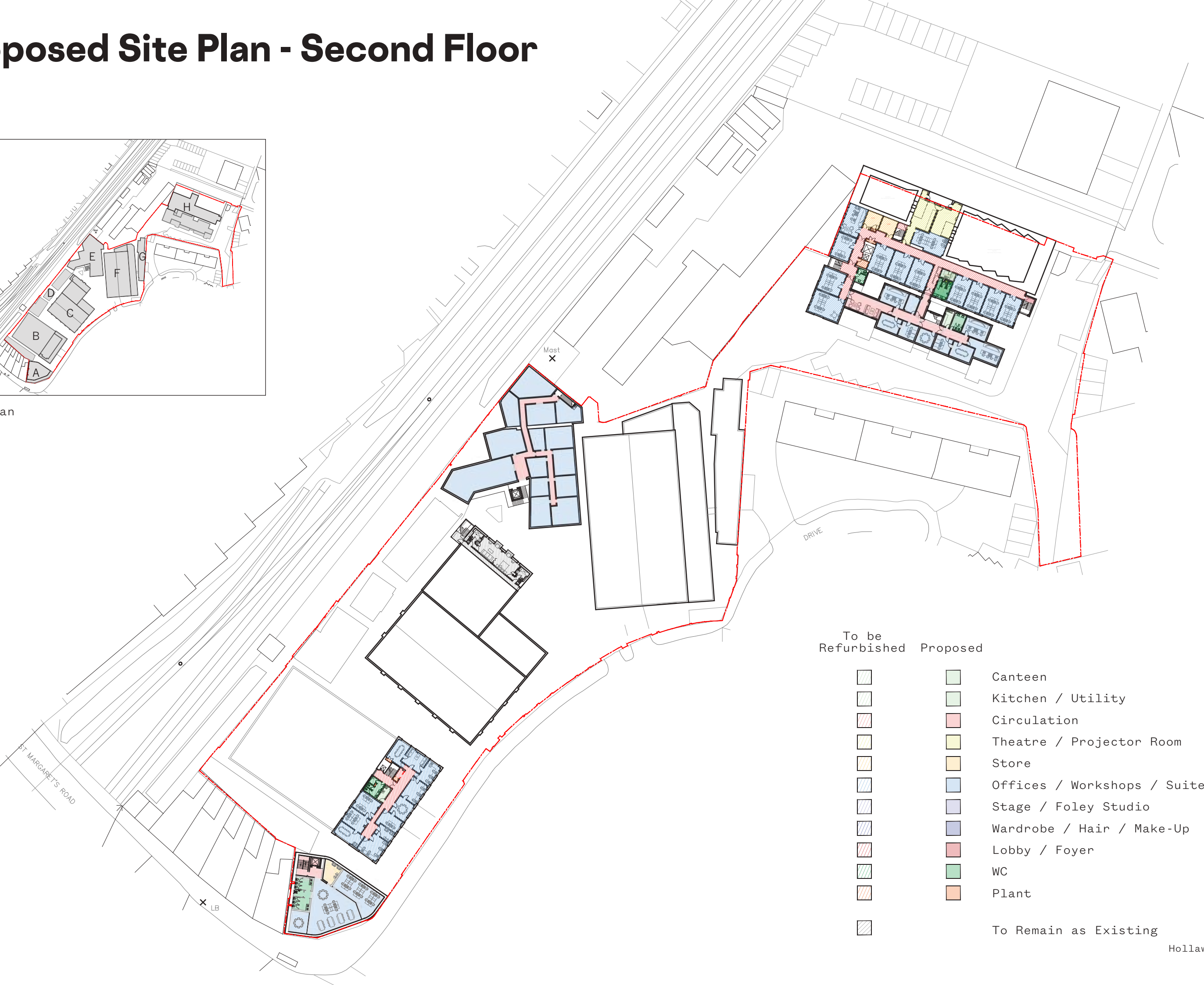
To be Refurbished		Proposed	
			Canteen
			Kitchen / Utility
			Circulation
			Theatre / Projector Room
			Store
			Offices / Workshops / Suites
			Stage / Foley Studio
			Wardrobe / Hair / Make-Up
			Lobby / Foyer
			WC
			Plant
			To Remain as Existing



# Proposed Site Plan - Second Floor

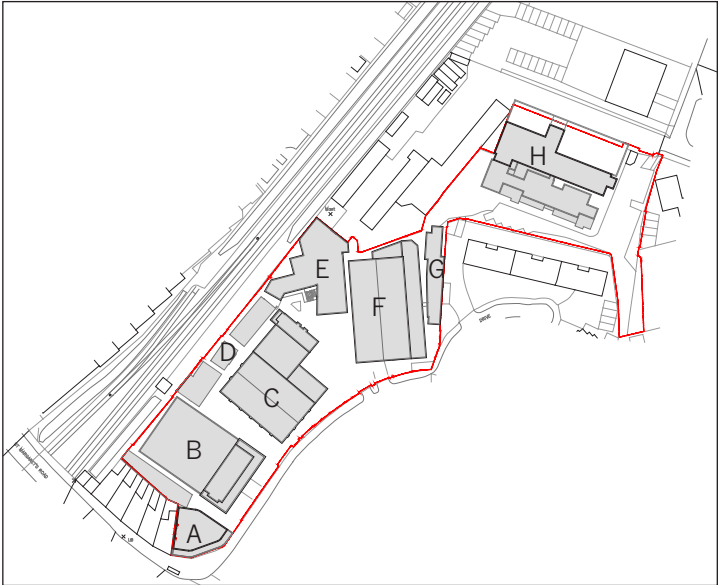


Key Plan

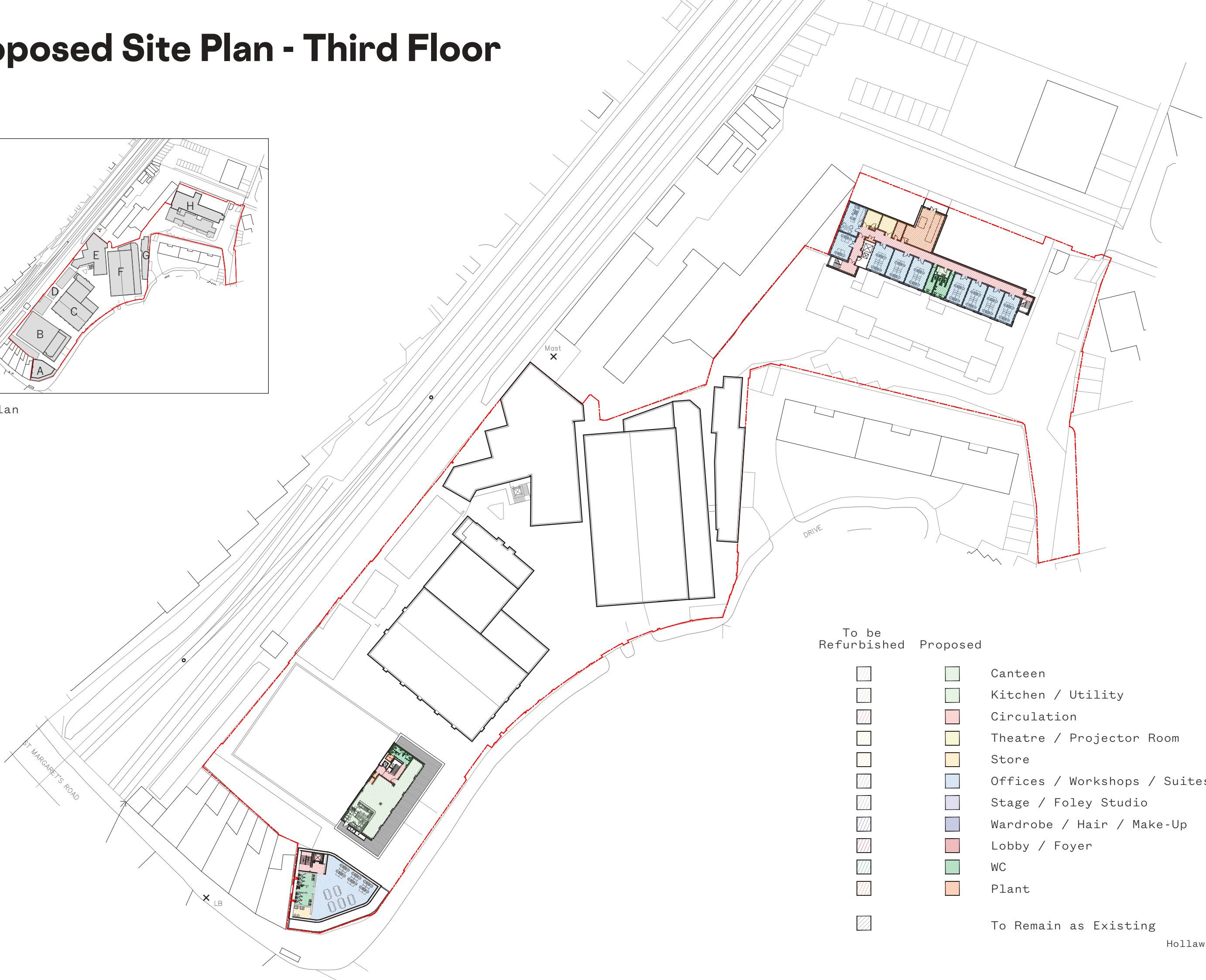


To be Refurbished		Proposed	
			Canteen
			Kitchen / Utility
			Circulation
			Theatre / Projector Room
			Store
			Offices / Workshops / Suites
			Stage / Foley Studio
			Wardrobe / Hair / Make-Up
			Lobby / Foyer
			WC
			Plant
			To Remain as Existing

# Proposed Site Plan - Third Floor



Key Plan



To be Refurbished	Proposed	
		Canteen
		Kitchen / Utility
		Circulation
		Theatre / Projector Room
		Store
		Offices / Workshops / Suites
		Stage / Foley Studio
		Wardrobe / Hair / Make-Up
		Lobby / Foyer
		WC
		Plant
		To Remain as Existing



# Proposed Aerial Image - Key Design Principles



Playful contemporary take on historic facade

- BLOCK B
  - Enhanced Public Reception
  - Re-painted external facade to whole block
  - New Cinema and Foley Studios
  - Refurbished office spaces
  - Extended Kitchen for 'The Lounge'

- BLOCK D - ANCILLARY
  - Refurbished art department and ancillary spaces
  - Painted external facades



- AIRSTREAM CAFE
  - Enhanced courtyard space outside canteen

- BLOCK H - SOUND BLOCK
  - Lightweight rooftop extension containing additional post-production workspaces
  - Refurbished Sound Studios and Offices

- BLOCK E
  - Canteen & Kitchen facilities
  - Refurbished picture-post facilities
  - Lightweight rooftop extension - post production offices
  - Existing Theatre

- BLOCK G
  - To remain

- BLOCK F
  - Repainted exterior to Studio 1 with proposed signage

- BLOCK C
  - New TV Studio
  - New build prop store block
  - Iconic historic images wrapping around existing facade

- BLOCK A - MAIN ENTRANCE
  - Public entrance to studio site
  - New infill building for continuation of terraced Properties along St. Margarets Road
  - Cafe/Wifi Lounge
  - Co-working space
  - New offices

ENHANCED LANDSCAPING





## 1. Historic Elevation, 1930s

Historically, on the corner of St Margarets road and The Barons, two additional terraced properties existed and continued the rhythm and architecture of the existing frontages. Both facades shared a large sign reading ‘Twickenham Film Studios’



## 2. Existing Elevation

The street elevation of St Margarets Road currently comprises of a terraced block of red brick, pedimented, dutch gabled facade that repeats and steps down to follow the sloping topography of the road. At ground floor, there are many colourful shop fronts with residential located above.



## 3. Proposal

The proposal aims to pick up on the original Twickenham Film Studios facade and footprint and continue the line of the existing properties along St Margarets road, once again closing the view from Crown Road to St. Margarets Road.





1. TYPICAL FACADE

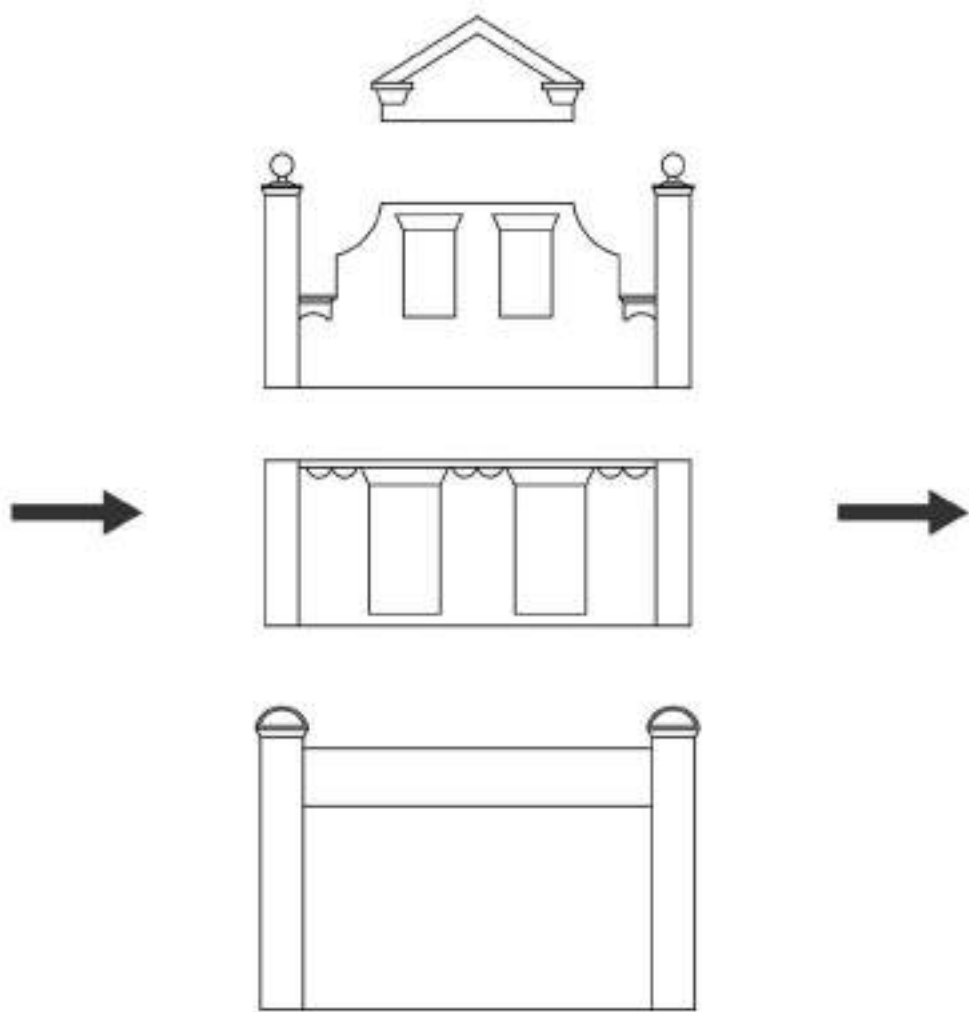
The buildings on St. Margarets Road are typically 3 storey and consist of red brick, are pedimented, with a dutch gable at roof level.

These form a terraced street, with active commercial use at ground floor, and residential above. The first floor features Moulded, decorative terracotta panels.



2. DECONSTRUCTION

The facade can be vertically broken down into four tiers: the shop front on ground floor, residential at first and second floor, and finally the dutch gabled roof.



3. REARRANGEMENT

These four tiers can be playfully rearranged to create vertically abstract versions of the original facade.



We have played with the scale, proportion and arrangement of the prominent architectural features to create an abstracted 'facade'. This creates a playful and contemporary interpretation of the historic elevation. The concept was drawn from the design and construction process of sets within the film industry.

1. TYPICAL FACADE

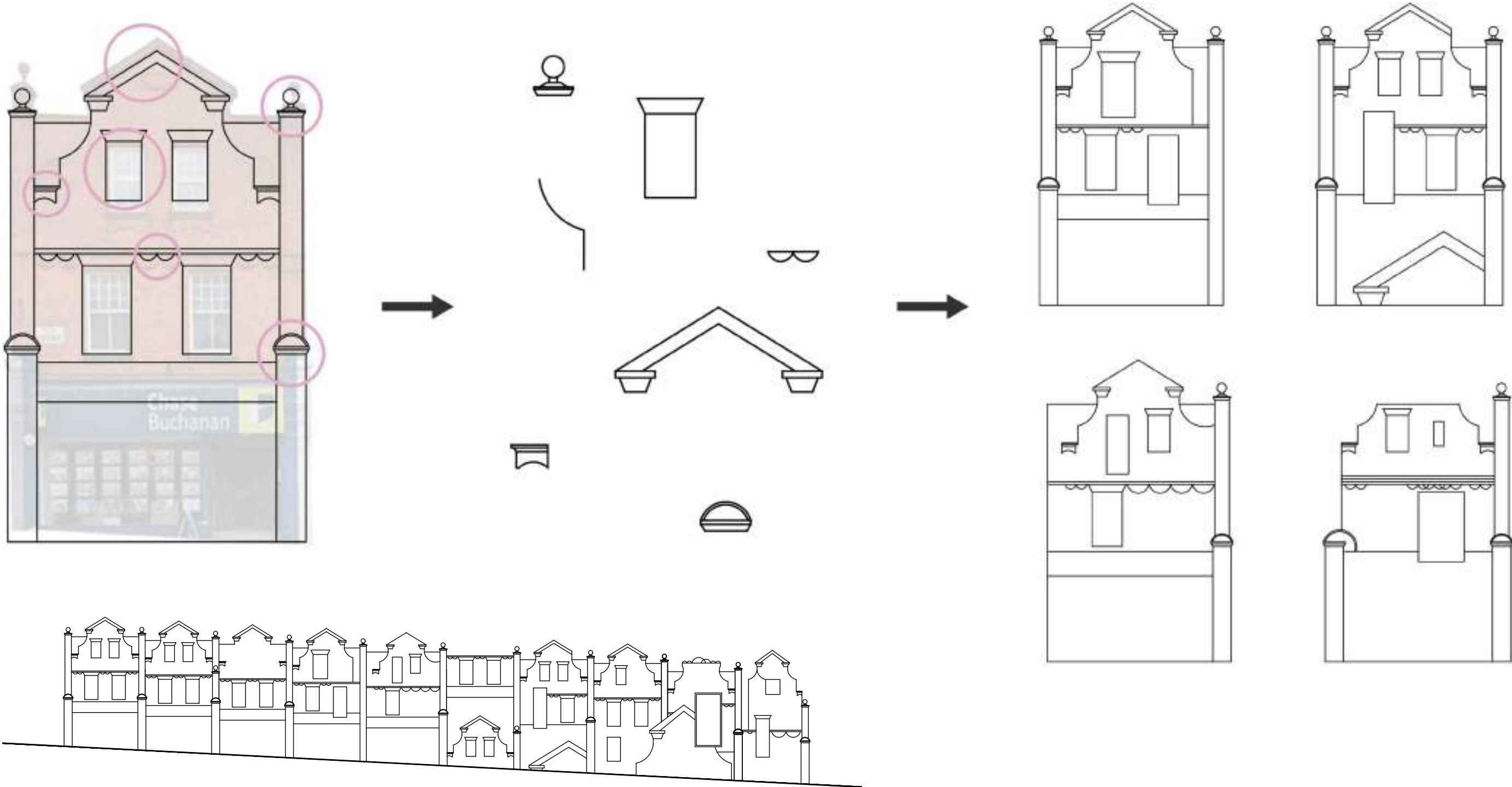
Key architectural features that are prominent on the typical facade of St Margaret's Road's street elevations include: pedimented gables, Moulded/decorative terracotta panel motifs/swags and rhythmic windows.

2. DECONSTRUCTION

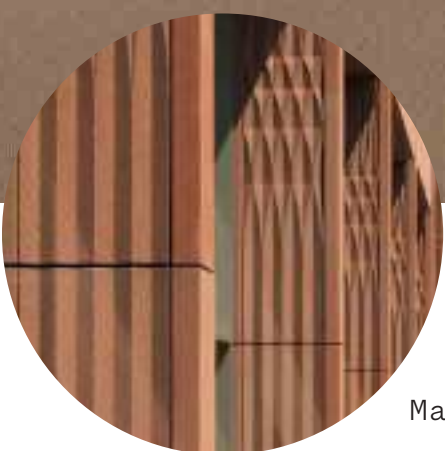
The facade can be deconstructed to its individual features, and can begin to be expressed playfully.

3. REARRANGEMENT AND MANIPULATION

These elements can be rearranged, manipulated and abstracted to produce playful, contemporary expressions of the original historic facade that was once part of Twickenham Film Studios, whilst emphasising its prominent features.







Material Precedents



# Blocks B & C



- BLOCK B
  - Re-painted external facade
  - Small extension to Kitchen for 'The Lounge' at third floor

- BLOCK C
  - New build prop store block
  - Iconic black and white images wrapping around existing and new facade to reveal the rich history of the site







Block E consists of a lightweight roof extension and replacand elevation, with the creation of an enhanced external landscaped courtyard space. The current design has been drawn from features of the surrounding architecture, such as the pitched window and roof details, the crittal inspired from the nearby Park House Gardens Character Area, of which the majority of Twickenham Studios is located.





# Block F & H



... BLOCK H - SOUND BLOCK  
- Lightweight, single storey rooftop extension sympathetically designed with consideration to residential properties opposite to contain new post-production workspaces



... BLOCK F  
- Repainted exterior to Studio 1  
- Potential for Signage





2020 RICS South East Awards Commercial Category Winner (Curious Brewery)  
2019 FX Awards (Curious Brewery) Shortlisted  
2019 Blueprint (Process Gallery) Shortlisted  
2019 AJ Architectural Award (Process Gallery) Shortlisted  
2019 AJ Architectural Award (Curious Brewery) Shortlisted  
2019 Dezeen Award (Process Gallery) Longlisted  
2019 AJ Retrofit Award (Gin Works Chapel Down) Shortlisted  
2019 RIBA South-East Regional Award (Process Gallery)  
2019 BD Awards shortlisted for Small Project of the Year Category  
2019 BD Awards shortlisted for Retail & Leisure Architect of the Year  
2018 George Clarke Medal Winner (The Cottage)  
2018 Property Week Student Accommodation Awards Highly Commended (Palamon Court)  
2018 What Awards ‘Best Luxury House’ Silver Winner (Manor Barn)  
2018 The Sunday Times British Home Awards Winner (The Cottage)  
2018 AJ Retrofit Awards Finalist (The Cottage)  
2018 BD Architect of the Year Award shortlisted for Individual House  
2015 RIBA South-East Regional Award (Pobble House)  
2014 Kent Design Award (Best Small Project)  
2013 WAN World Architecture News Facade of the Year (Crit Building)  
2012 Kent Design Awards Overall Winner (Rocksalt Restaurant)  
2012 RIBA Downland Award (Rocksalt Restaurant)  
2012 RIBA Downland Award (The Marquis)  
2012 Restaurant & Bar Design Award Shortlisted  
2011 FX International Interior Design Shortlisted  
2011 WAN Commercial Shortlisted  
2011 RIBA Downland Prize (Commended)  
2010 RIBA National Award Shortlisted  
2010 Kent Design Awards (Best Education Category)  
2010 Building Design & Construction Award (Best Educational Building)  
2010 Building Design & Construction Award (Public/ Community Building)  
2009 Evening Standard New Homes Award Shortlisted  
2008 RIBA Downland Prize (Residential Leisure)  
2008 ‘Britain’s Best Home’ (Final Six)  
2007 Kent Design Award (Best Small Project)  
2007 RIBA Downland Prize (Best Conversion)  
2007 Kent Design Award (Education Shortlisted)  
2006 ‘What House’ Award (Best House)  
2005 RIBA National Award  
2004 Kent Design Award (Overall Winner)  
2004 Kent Design Award (Education Category)  
2000 National Built In Quality Award

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Kent

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Hythe CT21 5BG

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architects@hollawaystudio.co.uk



hollawaystudio.co.uk

## **APPENDIX THREE – STUDIOS' EMAIL EXCHANGE WITH DAWN ROADS AND THE FORMAL OFFER**



## Mark Batchelor

---

**From:** Piers <piers@twickenhamstudios.com>  
**Sent:** 18 November 2020 09:37  
**To:** Dawn Roads  
**Cc:** Chris Roads  
**Subject:** Re: Formal Offer

Dear Dawn,

I hope this email finds you well.

I write to you following our freehold offer for Arlington Works. Can I check you are in receipt of our formal offer of £1.5m sent on 14th October?

For the reasons set out in my previous email (below) we believe this is a very reasonable offer and remain extremely keen to enter into discussions for the sale of the property.

Kindest regards,

**PIERS READ**

Managing Partner

**TWICKENHAM STUDIOS**

The Barons, Twickenham, TW1 2AW

Tel: +44 208 607 8888

Direct: +44 208 607 8781

Mobile: +44 7713 401 555

[www.twickenhamstudios.com](http://www.twickenhamstudios.com)



---

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On 14 Oct 2020, at 12:23, Piers <[piers@twickenhamstudios.com](mailto:piers@twickenhamstudios.com)> wrote:

Dear Dawn,

Further to my emails earlier this summer in the thread below, we have now given detailed thought to our proposed acquisition of The Arlington Works. We are in a position to offer £1.5m. We have based this offer on the existing use value detailed in your Financial Viability Appraisal which we have exceeded and based on a valuation assessment which we commissioned, and which has been prepared by LSH. We have previously supplied you with a copy of this valuation. We consider this offer to considerably exceed the market value of the property in its current use and current quality.

We understand that you were going to commission a valuation in around 2016 but you never shared this with us so that we could have an informed negotiation. In July 2020 we sent you an email requesting any evidence to support the figure you sought for the site and to request a schedule of accommodation and the rent roll and a site inspection. We subsequently sent a follow up email on 16<sup>th</sup> August 2020. We have unfortunately not heard back from you on any of these matters and would be grateful if you can respond.

You are aware of our need for additional space at Twickenham Studios and your site represents the only realistic option for us to expand our current operation at this time. We intend, therefore, to provide an offer which exceeds the value of the site in its current use and current quality and we are prepared to enter into dialogue with you if you do not consider that this figure is exceeded.

Kindest regards,

**PIERS READ**

Managing Partner

**TWICKENHAM STUDIOS**

The Barons, Twickenham, TW1 2AW

Tel: +44 208 607 8888

Direct: +44 208 607 8781

Mobile: +44 7713 401 555

[www.twickenhamstudios.com](http://www.twickenhamstudios.com)

<image001.jpg>

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<image002.jpg>

Begin forwarded message:

**From:** Piers Read <[piers@twickenhamstudios.com](mailto:piers@twickenhamstudios.com)>

**Subject:** Re: Following Up

**Date:** 16 August 2020 at 21:46:00 BST

**To:** Dawn Roads <[dawn@sharpesoil.co.uk](mailto:dawn@sharpesoil.co.uk)>

**Cc:** Chris Roads <[croads231@btinternet.com](mailto:croads231@btinternet.com)>



Dear Dawn,

I hope this email finds you well.

Checking you received my email below sent 16th July?

Warmest regards,

**PIERS READ**  
Managing Partner  
**TWICKENHAM STUDIOS**  
The Barons, Twickenham, TW1 2AW

Tel: +44 208 607 8888  
Direct: +44 208 194 6890  
Mobile: +44 7713 401 555

[www.twickenhamstudios.com](http://www.twickenhamstudios.com)

<image001.jpg>

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<image002.jpg>

On 16 Jul 2020, at 14:21, Piers  
<[piers@twickenhamstudios.com](mailto:piers@twickenhamstudios.com)> wrote:

Dear Dawn,

Thank you for your email.

After considering the matter internally we wanted to come back to you with our comments.

We are in the process of getting an updated valuation and will soon be making a formal offer. Our price will reflect the market value of the property (land) in its current use and current quality. This will include assessing the value of comparable commercial properties in the local vicinity.

I do believe the studio shared previously with you its valuation from 2016? At that time we also made an offer of more than market value. If not, please do let me know as we are happy to send you report in advance of the new one being produced. Whilst we prepare to make the new offer, we would be grateful if you can provide evidence of your proposed valuation to justify the price you have quoted of £7.5m.

Meanwhile, if possible, can we request an opportunity to visit and inspect your premises? As well as a schedule of accommodation showing the current rent roll from your tenants based onsite.

Finally, we do hope this email is received in the spirit it is sent and can ultimately result in agreeing a deal in the near future. I look forward to hearing back from you at your earliest convenience.

Kindest regards,

Piers

Managing Partner  
Twickenham Studios London Limited

On 4 Jul 2020, at 19:30, Dawn Roads  
<[dawn@sharpesoil.co.uk](mailto:dawn@sharpesoil.co.uk)> wrote:

Dear Piers

After much deliberation we have discussed the sale price of Arlington Works and using the information from the planning viability report, we have come to an agreement that we would be willing to sell the site for £7.5 million pounds.

This is the figure that we believe the site would be worth once we obtain planning. We have invested a lot of time and money in reaching this stage and are confident of achieving planning. We are progressing with the appeal with a full team of experts including one of the leading planning QCs.

Please let us know in due course if this offer is of interest to you.

Kind Regards

Dawn Roads  
Director  
Mobile: 07780 936157  
Sharpe Refinery Service (Hydro-Carbons) Ltd  
Arlington Works, Arlington Road, Twickenham,  
MIDDLESEX, TW1 2BB  
Company Reg No. 01393706 England  
VAT Reg No. 225 2130 14

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender as per the General Data Protection Regulations of May 2018. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

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**From:** Piers Read  
[<mailto:piers@timeandspacestudios.co>]  
**Sent:** 10 June 2020 23:59  
**To:** [dawn@sharpesoil.co.uk](mailto:dawn@sharpesoil.co.uk)  
**Subject:** Following Up

Dear Dawn,

Very nice meeting you yesterday. Thank you for your time.



I wasn't sure if you had my email so thought I would drop you this line.

Look forward to hearing from you.

Warmest regards,

Piers

## **APPENDIX 4 – LSH VALUATION OF THE APPEAL SITE**



# #LSHKNOWS VALUATION

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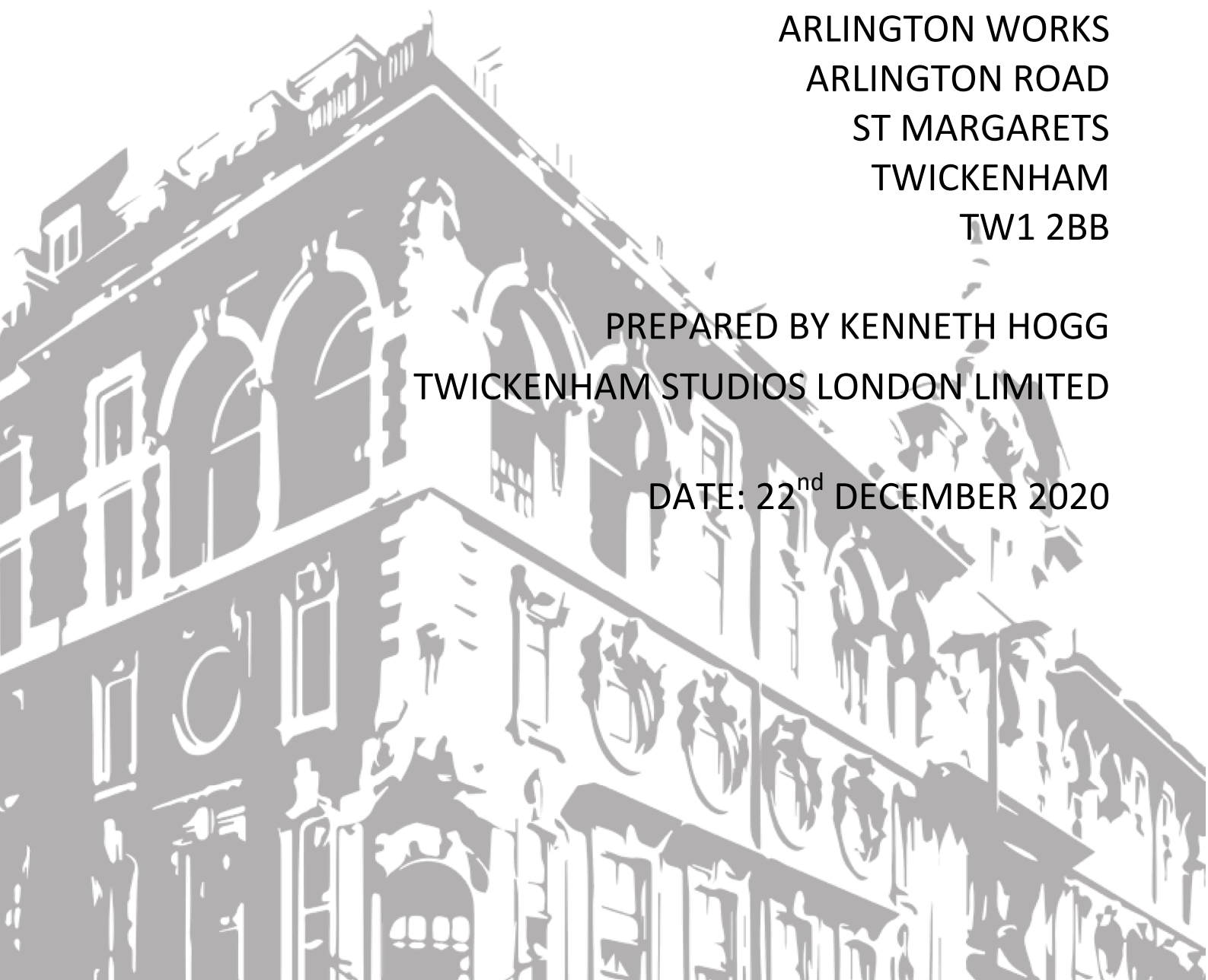
VALUATION REPORT

ON

ARLINGTON WORKS  
ARLINGTON ROAD  
ST MARGARETS  
TWICKENHAM  
TW1 2BB

PREPARED BY KENNETH HOGG  
TWICKENHAM STUDIOS LONDON LIMITED

DATE: 22<sup>nd</sup> DECEMBER 2020



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APPENDICES

APPENDIX 1: LETTER/EMAIL OF INSTRUCTION, LETTER OF ACKNOWLEDGEMENT AND LSH TERMS OF ENGAGEMENT

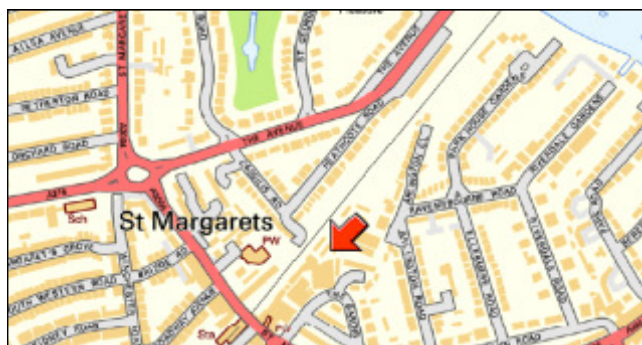
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## 1. EXECUTIVE SUMMARY



Front Elevation



Street Map

Property Address	Arlington Works, Arlington Road, St Margaret's, Twickenham, TW1 2BB	
Valuation Date	27 November 2020	
Location	The property is located in the suburb of St Margaret's in the London Borough of Richmond upon Thames close to Twickenham and Richmond upon Thames town centres.	
	Type:	Light Industrial
	Floor Area:	850.7 sq m (9,157 sq ft) GIA
	Condition:	Poor
Tenure	Freehold	
Tenancies	We understand that the premises are occupied by a number of different tenants some of whom may be protected by the security of tenure provision of the L&T Act. However, we have not been provided copies of the various agreements which may apply. We have been asked to provide our valuation on the Special Assumption that vacant possession of the Property would be available free of any encumbrances.	
Rental Profile	Market Rent (headline): £120,000 per annum	
Valuations	Existing Use Value:	£1,400,000
Valuation Issues	<ul style="list-style-type: none"> <li>- Industrial site may be affected by contamination</li> <li>- Buildings are of basic construction</li> <li>- Asbestos may be present</li> <li>- EPC and other regulatory requirements</li> </ul>	
Reporting Restrictions	Our valuation has been provided as requested on a restricted desktop basis. We have not been permitted access on to the Property for the purposes of this valuation nor have we been provided with full details of the various agreements under which the site is presently occupied.	

22<sup>ND</sup> December 2020

T +44 (0)20 7198 2000  
www.lsh.co.uk

The Directors  
Twickenham Studios London Limited  
The Barons  
St Margarets  
Twickenham  
TW1 2AW

Lambert Smith Hampton  
UK House  
180 Oxford Street  
London  
W1D 1NN

For the attention of: Tim Gee

Our Ref: 0159433-LW-0000

<b>CLIENT</b>	<b>TWICKENHAM STUDIOS LONDON LIMITED</b>
<b>PROPERTY</b>	<b>ARLINGTON WORKS, ARLINGTON ROAD, ST MARGARET'S, TWICKENHAM, TW1 2BB (THE "PROPERTY")</b>

## 2. TERMS OF INSTRUCTION

Appointment	<p>We refer to your instruction e-mail dated 5<sup>th</sup> November 2020, acknowledged on 16<sup>th</sup> November 2020 (copies at Appendix 1), to provide you with a Valuation Report in respect of the Freehold Interest in the above Light Industrial Investment Property, for planning/development appraisal purposes. As we have not been permitted access onto the Property our Valuation Report has, as agreed, been provided on a Restricted Desktop basis. We have made relevant enquiries and now have pleasure in reporting to you.</p> <p>The basis upon which we usually prepare our Valuations and Reports is set out in the Terms of Engagement (copy at Appendix 1). Unless and except where here specifically stated otherwise, this Report has been prepared in accordance with these Terms of Engagement.</p>
RICS Compliance	<p>Our report and valuation has been provided on a restricted desktop basis without the benefit of a site visit. In addition the present owner of the site has not provided us with the level of information we would usually expect for the purposes of providing advice in accordance with the Royal Institution of Chartered Surveyors Valuation Guidance Standards – Red Book Global.</p> <p>Whilst, our report and valuation has been provided subject to restrictions we confirm that we have had regard to the definitions of value set out in the Royal Institution of Chartered Surveyors Valuation Guidance Standards.</p> <p>Lambert Smith Hampton acts in the capacity of External Valuer in connection with this instruction.</p> <p>We confirm that the Valuation Division of Lambert Smith Hampton has a Quality Management System which complies with BS EN ISO 9001:2015.</p> <p>Lambert Smith Hampton holds appropriate professional indemnity insurance for this valuation instruction.</p>
Valuation Date	The Valuation Date 27 November 2020.



Conflict of Interest	<p>Lambert Smith Hampton provided advice in January 2016 for The Directors of Twickenham Studios Ltd for the purposes of considering an acquisition of the Property. In March 2018 we provided advice on the adjacent Twickenham Film Studios for our client Coutts and Co.</p> <p>We have confirmed to you that over the last two years we have had no involvement with the Property, or with any party connected with a transaction. We therefore consider ourselves to be free of any conflict of interest in providing this advice for you.</p>
Red Book Departures	<p>In accordance with Professional Standard 1 of the RICS Valuation – Red Book Global, we have agreed that we shall depart from the Standards as follows:</p> <p>VPS 2 Inspections and Investigations: in accordance with your instructions, we will not undertake an inspection of, or measure, the subject; our valuation will be undertaken on a 'desktop' basis and accordingly, we will be unable to establish facts that would normally be verified by making normal enquiries, including but not limited to; the characteristics of the area and property; floor and site areas; method of construction and finishes; state of repair and condition; age and estimated useful life; use and nature of the property; provision of amenities, services, installations, fixtures and fittings, plant and machinery and improvements; the presence of hazards and hazardous materials; and any physical restrictions on further redevelopment. Furthermore, we will rely on floor areas to be provided which we assume will have been calculated in accordance with the current RICS Professional Statement RICS Property Measurement 2nd edition, January 2018, and are correct. Accordingly if those floor areas are found to be incorrect, our valuation may be materially affected. Furthermore, we will limit use of our valuation report solely for internal management purposes; will require that no publication or disclosure may be made to third parties; and require that the Client will accept responsibility for the associated risk.</p> <ul style="list-style-type: none"> <li>VPS 3 Valuation Reports: given the potential for valuation reports to be circulated to third parties, and content thereby being freely available to parties with whom future negotiations relating to value may be conducted, it is Lambert Smith Hampton's policy to exclude any reference to key inputs used, including details of market transactions, valuation methodology adopted and the principal reasons for conclusions reached when calculating opinions of value. You have agreed that our valuation report will therefore not make reference to such key inputs. Should you wish us to include these however, please advise by return.</li> </ul>
Reporting Restrictions	<p>In accordance with Valuation Practice Statements 2 and 3 of the RICS Valuation – Red Book Global, we have agreed that the scope of our instruction is restricted as follows: List by bullet point what you will not be doing which would otherwise be expected, e.g.</p> <ul style="list-style-type: none"> <li>VPS 2 Investigations: in accordance with your instructions we will not undertake those investigations and enquiries we would normally undertake in order to establish facts about the subject, including; those not relevant planning control, consents, history and enforcements; local and state taxes; sustainability; contamination; ground conditions; hazards and hazardous materials; flooding and drainage; and other statutory issues and environmental matters.</li> <li>The nature of your instruction is such that we will not permit our valuation to be published or disclosed to third parties without the Valuer's written approval of the form and context in which it may appear...</li> </ul>
Reliance upon Provided Information	<p>We have previously agreed that we shall rely upon the following information for the purpose of reporting to you:</p> <ul style="list-style-type: none"> <li>LSH Valuation report on Arlington Works, dated 27<sup>th</sup> January 2016.</li> </ul>

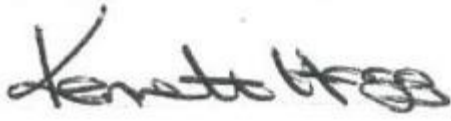
- Information previously obtained for the purposes of the above report and held on file.
- Financial Viability Assessment by Grimshaw Consulting Limited, dated August 2018, provided by the Client.
- Marketing Feasibility Report by Featherstone Leigh, dated 13<sup>th</sup> June 2018, provided by the Client.

We have assumed that all material information has been fully disclosed to us and our Valuations have been prepared on the basis that there is no further information available.

Valuer	<p>This Report and Valuation has been prepared by Kenneth Hogg MRICS, a member of the RICS Valuer Registration Scheme, Director, who has acted with independence, integrity and objectivity, and has sufficient current local and national knowledge of the particular market as well as appropriate skills, qualifications, experience and understanding for the purposes of this instruction.</p> <p>This Valuer has been assisted by Edward Boulton, Graduate Surveyor.</p>
Inspection	In accordance with your instructions, we will not undertake an inspection of the subject property.
Basis of Valuation	Existing Use Value (EUV) - The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.
VAT	Our Valuation is exclusive of VAT unless otherwise stated.
Purchaser's Costs	Our Valuation, unless otherwise stated, is produced net of Purchaser's costs at the appropriate rate, plus VAT.
Special Assumption Valuations	<p>A Special Assumption valuation is one that either assumes facts that differ from the actual facts existing at the Valuation Date, or that would not be made by a typical market participant in a transaction on the Valuation Date.</p> <p>You require a valuation with the Special Assumption that:</p> <ul style="list-style-type: none"><li>• The subject has the benefit of full vacant possession.</li></ul>
Limitation and Liability	<p>We draw your attention to the Assumptions, Limitations and Regulatory information set out within this Report to which our advice is subject and our Terms of Engagement agreed between us.</p> <p>Neither the whole, nor any part of this Valuation Report, nor any reference hereto may be included in any published document, circular or statement, or published in any way, without the Valuer's written approval of the form and context in which it may appear.</p> <p>Such publication of, or reference to, this Valuation Report may not be made unless it contains a sufficient contemporaneous reference to the Special Assumptions set out herein or Departures from the RICS Valuation – Global Standards.</p>



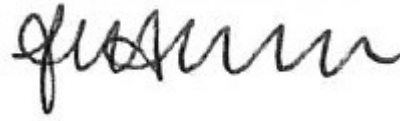
Valuer:



Kenneth Hogg BSc (Hons)  
RICS Registered Valuer  
Director  
**For and on behalf of**  
**LAMBERT SMITH HAMPTON**

22<sup>nd</sup> December 2020

**Valuer:**



Jennifer Dunn BSc (Hons) MRICS  
RICS Registered Valuer  
Director - Valuation  
**For and on behalf of**  
**LAMBERT SMITH HAMPTON**

### 3. LOCATION

#### Macro Location

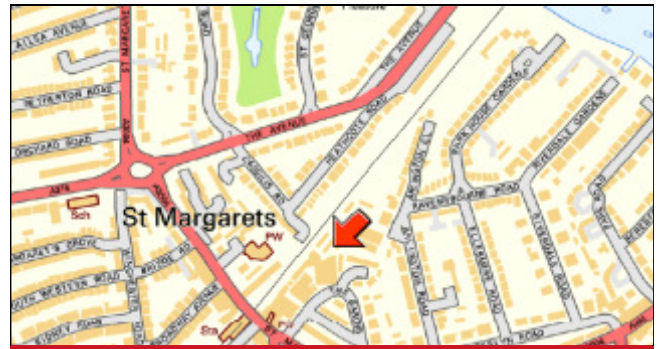
Twickenham is located within the London Borough of Richmond upon Thames in south west London. Richmond town centre is approximately one mile to the east via St Margaret's Road (A305) and Twickenham and Isleworth town centres are a similar distance to the south and north respectively. The A316 Twickenham Rd/Chertsey Road dual-carriageway runs approximately 250 metres to the north, and leads directly to the M3 some 8 miles to the south and eastwards towards central London. There is also easy access to the M4, A3 and M25. Central London is approximately 8 miles and Heathrow Airport 13 miles.

#### Micro Location

St Margaret's railway station is in close proximity to the property, giving fast and frequent service to central London via South West Trains which run from London Waterloo to St Margaret's station every 15 minutes through the day; with a journey time is approximately 25 minutes. The London underground District line runs from central London to Richmond.



Street Scene



Location Map

#### Situation

The property is situated in a high value residential area of St Margaret's, made up of Victorian and Edwardian houses and flats of varying ages, with local/secondary retail outlets and other services directed towards the needs of the community centred on the station. The main entrance can be accessed from Arlington Road, a quiet residential loop road. The site is situated between the railway line to the west and Twickenham Studios to the East and South.



Location Extract



Site Plan

**4. DESCRIPTION AND CONSTRUCTION****Buildings****External Photograph****External Photograph**

Year built/refurbished:	Pre 1900
Sector:	Industrial
Frame Construction	Load Bearing External Walls
Number of storeys	2
Roof Style	Pitch
Roof finish	Part slate, part corrugated metal sheeting
External wall finish	Part masonry, part corrugated metal sheeting
Windows	Timber
Is the building suitable for current use?	Yes
What is the Repair & Condition of the building?	Poor
Remaining Economic Use?	15 years

The main buildings comprise two brick built mews style terraced buildings arranged around two sides of open yard dating from the 19<sup>th</sup> century. The buildings are conventionally constructed of brick beneath a pitched slate roof. One of the units has been converted into a small kitchenette and changing room on the ground floor with small offices and WC on the first floor. We were unable to inspect the remaining units; however we were informed that they were being used by a variety of different light industrial users as well as for the refining of used engine oil.

On the south eastern side of the site are single storey industrial workshops. These are built to a very low specification. The units are constructed on a concrete base with timber and corrugated metal sheet clad walls and roofing. They are being used by a variety of small businesses as workshops and for storage.

A single storey toilet block is situated to the rear of the site. This is conventionally constructed of solid brick beneath a flat felt roof.

The open yard contains plant utilised for the vendor's oil refining business, open storage and vehicle parking.

**Accommodation:**

We were not permitted access into the Property for the purposes of this valuation which is provided on a desktop basis. We were permitted restricted access onto the Property in 2015 for the purposes of our previous report to the Directors



of Twickenham Studios although we were not permitted access to all of the internal areas for measurement purposes. We therefore had to rely upon floor plans and schedule of floor areas provided to us.

From the floor plans and schedule of floor areas previously supplied to us we have assumed for the purposes of this report that the property provides the following approximate gross internal area:

Unit Number	Sq Metres	Sq Feet
1	55.7	600
3	37.2	400
5	37.2	400
2	55.7	600
4	18.6	200
6+7	125.4	1,350
8	53.9	580
A, B	34.7	374
S	26.8	289
C	26.3	283
I	8.5	92
M	26.3	283
N	8.5	92
U	26.3	283
T	8.5	92
H	26.3	283
J	26.2	282
O	26.2	282
W	26.6	286
V	10.4	112
X	18.6	200
P, Q, R	55.6	598
D, E, F	37.0	398
G	18.6	200
K	18.6	200
L	37.0	398
<b>Total Area GIA</b>	<b>850.7</b>	<b>9,157</b>

Where we have relied upon measurements supplied we assume that these were measured in accordance with the RICS Professional Statement – RICS Property Measurement, 1<sup>st</sup> Edition, May 2015.

We have compared the above figures with the floor areas set out by the VOA within their calculation of rateable value which equated to 868.09 sq m / 9,344 sq ft overall. The VOAs measurements additionally included a storage container of 13.87 / 149 sq ft. After allowing for the container the difference in floor area calculations would appear to be de minimus.

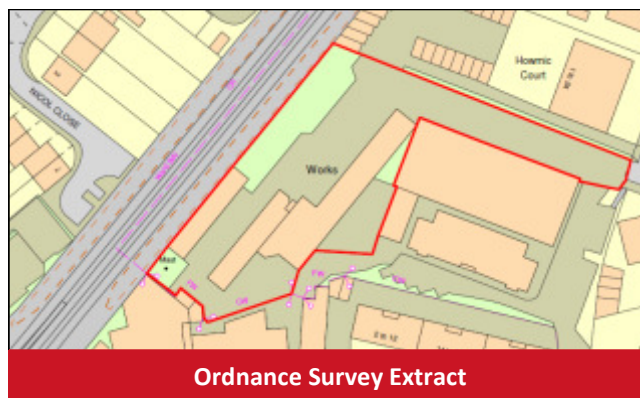
**Site:**

Site Area	0.311 hectares (0.77 acres)
Site Shape	Irregular
Topography	Even
Is adequate car parking available?	Yes
Is there scope for expansion?	No
Is the site suitable for current use?	Yes
Adopted road frontage?	Yes

Arlington Works is a back land site positioned between the railway line and Twickenham Studios. Access is via a residential street and this limits the scope for industrial use.

On the east side of the Property is a triangular area of land occupied subject to a lease by Twickenham Studios for parking c 14 vehicles.

The access route on the north east side of the site is shared with Twickenham Studios. Car parking positioned to the side of this access route is also shared with the studio. We also understand that there is an agreement for the shared use of toilet facilities on the south east side of the site.



Ordnance Survey Extract



Shared Entrance & Parking



Parking Area Used By Twickenham Studios

**Green Initiatives**

Solar Panels?	No
Wind Turbines?	No

**Connections**

Is the property connected to mains water?	Yes
Is the property connected to mains electricity?	Yes
Is the property connected to mains sewage?	Yes



**5. TITLE AND TENURE****Ownership:**

Title:	Freehold
Sight of Title Deeds	No

We have not had sight of your solicitors Report on Title. In the circumstances therefore it is assumed there are no restrictive covenants, burdens or rights of way that would have a material impact on value. We would be pleased to reconsider our valuation upon receipt of your solicitors' Report on Title.

Tenure	Part Let/Part Vacant
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**Tenancy Summary:**

We attach a detailed tenancy schedule as Appendix 2. We would summarise the salient detail as follows: -

Number of Tenants	10+
Market Perception of tenant covenant(s)	Below Average
Security of Tenure	No

We understand that the property has been let on a range of short-term leases to independent businesses, most of which are outside of the Landlord and Tenant Act 1954, and therefore afforded no security of tenure. In addition, the property includes two telephone masts, parking spaces for Twickenham Film Studios, Tanker Parking and Plant Hire, which are similarly let on leases outside of the 1954 Act. When we previously visited the property we were advised that units P,Q,R were let inside the Act although we were not supplied with any other information in relation to the letting terms.

In their Viability Assessment of August 2018 Grimshaw Consulting Limited have stated that they understand that the existing premises were generally let on terms of 5 years, with annual rent reviews at RPI and the majority of existing leases expire in 2021 or 2022. The site owner received income totalling £125,469 per annum, detailed as follows:-

Workshops / Offices (9,344sqft) - £58,867 (equating to £6.30 per sq ft)

Car Parking, - £14,752\*

Telecommunications Mast - £8,810

Container Ground Rent - £3,782

Plant & equipment hire and Oil Recycling - £39,258

Total - £125,469

\*We understand the lease of the car parking area used by Twickenham Studios is subject to renewal with terms to be agreed.

**Special Assumption:**

For the purposes of our report and valuation we have made the clear assumption that vacant possession of the Property free of any encumbrances would be available in the event of a sale.

**6. STATUTORY ENQUIRIES****Planning:**

Planning Use Class	Class B2 - General Industrial and B8 – Storage and Distribution
Is property located in a Conservation Area?	No
Is the property listed?	No
Are there any breaches of planning consent?	Assumed not - we recommend your solicitor is instructed to verify
Any outstanding consents to be implemented?	Assumed not - we recommend your solicitor is instructed to verify
Any outstanding enforcement actions?	Assumed not - we recommend your solicitor is instructed to verify

**Contamination and Environmental Matters**

Were any obvious contaminative uses noted on the subject?	Yes – oil refining
Did any immediately surrounding property appear to be put to a use which would likely result in contamination?	Yes
Is the property of an age where asbestos and/or other deleterious materials may have been incorporated into the structure?	Yes
Is an environmental audit recommended?	Yes

We have not been instructed to commission a formal audit in respect of the subject site in relation to the potential presence of contamination. Our brief enquiries have provided evidence that there is a significant risk of contamination affecting the property or neighbouring property which would affect our valuation.

We recommend a contamination report is conducted before the acquisition of this site.

We have made the special assumption that all works required to decontaminate the site has been undertaken by the vendor on the date of valuation.

**Flood Risk**

Rivers or the Sea	Very Low
Surface Water	Very Low
Is a Flood Risk Assessment recommended?	No

**Energy Performance Certificate**

Does the property have an EPC?	No
Band & Rating	N/A

**Regulated Mortgages**

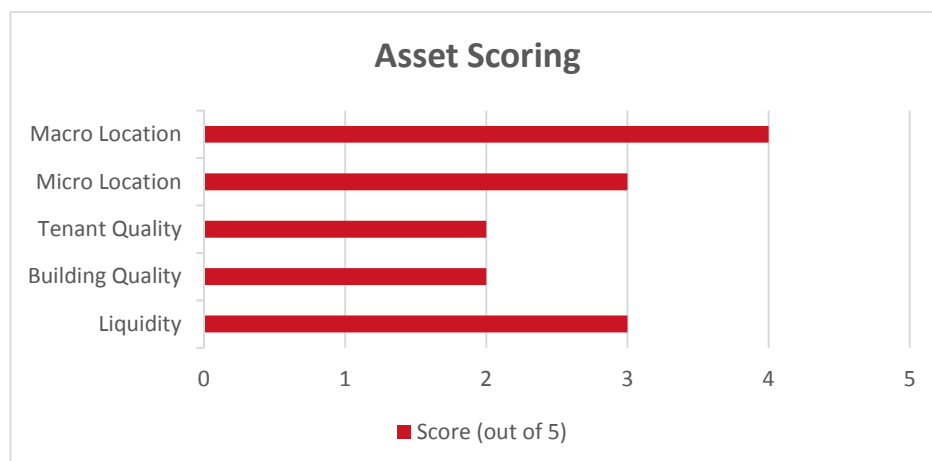
Is 40% + of the total land to be used in connection with a dwelling?	No
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**Registration & Licenses**

Is the property subject to any licenses / registrations?	No
--	----

## 7. VALUATION CONSIDERATIONS AND COMMENTARY

## Asset Scoring



The aggregate score above is 14/25. Therefore, in overall terms, we consider the subject to be Average.

## Occupational Overview:

Occupational Market Sector Sentiment

Moderate

## Industrial

Demand in West London has historically been dominated by the Transport & Storage sector, with a large proportion of the market's employment based in and around the Heathrow, carrying out functions for the airlines and logistics companies who receive air freight. More recently, retailers are increasingly featuring in the market to serve their 'last-mile' functions, with the likes of Amazon and Ocado occupying space. Whilst Heathrow has seen speculative development in the post-recession era, large units, particularly those over 100,000 sq ft, remain in relatively short supply.

On average availability in the London Industrial market rose by 3.6% over the 6 months to mid-2020; in contrast availability within the local area rose by 2.9% to stand at 1,276,000 sq ft (according to data provided by EGi). This reflects a vacancy level of approximately 4.2% across the local market area, compared to an average of 3.6% for London.

The subject is situated in an increasingly attractive area for light industrial occupiers, being close to Central London and benefitting from a strong transport network. Conversely, although take-up of units decreased steadily over the past 5 years, in the years following 2015 there has been a steady increase in availability as new speculative supply is delivered. As of mid-2018, there was 2,396,000 sq ft of industrial space available in the western edge of Greater London, the highest level since 2013.

Market reports for the nearby Heathrow Area sight prime rents reaching £15.50 per sq ft in mid-2020, in line with the London average, albeit the long-term impact of Covid on rents has yet to be seen, and it is likely this will cause downward pressure from Q4 2020 due to decreased and uncertain demand.

## Open Storage Sites

The availability of open storage sites in areas around the M25 is generally quite low and therefore good quality sites remain highly sought after. The main reason for the lack of stock is the fact that industrial sites with good road access



make excellent sites for industrial development, where there are higher profits to be enjoyed than in simply letting the sites for open storage.

Another factor at play is that Council planning departments tend to favour industrial development over open storage use and therefore open storage planning consents can be difficult to obtain. The reason for this is that open storage sites are often deemed to be unsightly and potentially noxious. They generate large amounts of commercial vehicle traffic which clogs up nearby roads and the use can lead to ground contamination, unpleasant odours and dust, which upsets local residents. For this reason open storage sites often tend to be former industrial sites which have become contaminated, thus preventing further development.

Open storage sites are frequently offered to let on a temporary basis while planning permission for development is sought. Sales of open storage sites are therefore even rarer because this will only involve sites where the prospect of development has been completely discounted.

As a consequence rents for open storage sites are generally quite high within the London area and the best quality sites can make quite desirable investment assets, with good scope for rental growth.

### Letting Comparable Narrative

#### Industrial

We detail below a guide to comparable industrial units in the local market area. Rents detailed range from £8.25 to £18.46 per sq ft (headline).

<b>Unit 4, St Margarets Business Centre, Moor Mead Road, Twickenham, Middlesex, TW1 1J</b>	<b>£8.25 per sq ft</b>
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4,821 sq ft of industrial accommodation was let to Burbeck Interiors Ltd in September 2020, for a 10 year term at a rent of £39,773 per annum, reflecting £8.25 per sq ft. Albeit of larger proportions compared to the subject, this unit is within a similar area. We would expect the subject to be capped at around this level.

<b>Ashford Business Complex, Feltham Road, Spelthorne, TW15 1YQ</b>	<b>£10.80 per sq ft</b>
---	-------------------------



A 4,051 sq ft unit within an established industrial estate let in September 2020 for a 5 year term at a of £43,760, which equates to £10.80 per sq ft. This unit is within a superior, more modern estate. We would expect a lower rate per sq ft on the subject estate.

**Griffin Centre, Staines Road, London, TW14 0HS****£11.50 per sq ft**

An industrial business centre to the south of Hounslow. We are aware of the letting of Unit 9 for a 10 year term in August 2019, at a rent of £63,400 per annum, which reflects £11.50 per sq ft. This unit is within a more modern estate. We would expect a lower rate per sq ft on the subject estate.

**Unit 16, Brook Lane Industrial Estate, Brentford, London TW8 0PP****£13.15 per sq ft**

A 1,140 sq ft unit, whose lease was renewed in August 2019 for a new 5 year term at a rent of £13,000 per annum, reflecting £11.40 per sq ft for the first 2 years, rising to £13.15 per sq ft in the final 3 years.

This unit is a similar small, basic property, albeit of a higher specification compared to the subject. We would therefore expect a lower rent per sq ft on the subject units.

**3, Forest Road, Feltham, TW13 7EA****£13.25 per sq ft**

Blackstone Motors Limited has taken 2,531 sq ft of industrial accommodation within an established industrial estate, on a 5 year lease commencing in June 2019. The achieved rent is £33,535 per annum, equating to £13.25 per sq ft. This unit is situated within a more modern estate.

**Unit 11, Clock Tower Road, Isleworth, TW7 6GF**

**£14.01 per sq ft**



A 5,624 sq ft unit on an established industrial estate, which let in August 2020 to AMF Ltd on a 5 year lease, at a rent of £78,792 per annum, which equates to £14.01 per sq ft. This unit is within a superior, more modern estate. We would expect a lower rate per sq ft on the subject estate.

**Unit 12, Mill Farm Business Park, Millfield Road, Hounslow, TW4 5PY**

**£18.46 per sq ft**



1,327 sq ft of second-hand industrial accommodation let in October 2020 for £24,500 per annum, reflecting £18.46 per sq ft, on a 5 year lease, with tenant break option in the 3<sup>rd</sup> year, and 3 months rent free at lease start. This unit is within a more established industrial area, justifying a higher rate per sq ft.

**Open Storage Areas**

**Stubs Industrial Estate, Ash Vale, Aldershot**

**£2.40 - £3.04 per sq ft**



This is an industrial site comprising open storage sites for a variety of uses, including waste management. The sites are surfaced and secure. We are aware of the following lettings:

Site 7: 36,000 sq ft let to FM Conway, lease renewal from 25/12/29, £2.40 per sq ft, up from £1.25 psf.

Sites 3 & 4: 48,787 sq ft let to Taurus Waste Ltd, lease renewal from 01/04/2018, revised rent of £122,000 per annum equating to £2.50 per sq ft.

Site 1: 16,456 sq ft let to Chambers Waste Plc, lease renewal from 01/09/2017, revised rent of £50,000 per annum equates to £3.04 per sq ft.

These sites are more secure and have a wider planning permission. However the location is less valuable, being further away from the M25. The sites are 3 miles from the A3 and 21 miles from the subject site.



**Martlands Estate, Woking**

**£3.12 - £3.40 per sq ft**



This is another industrial site divided into smaller open storage sites let on commercial leases. The estate benefits from services, security and hardstanding. We are aware of the following lettings:

Sites 32 & 32A: new open market letting of 22,114 sq ft for 5 years from 20/03/19 at £70,000 per annum reflecting £3.17 per sq ft.

Sites 24A & 27: new open market letting of 9,147 sq ft for 5 years from 01/06/2018 at £36,400 per annum reflecting £3.40 per sq ft.

Sites 1-3: new open market letting of 13,927 sq ft for 5 years from 01/11/2017 at £43,500 per annum reflecting £3.12 per sq ft.

These sites are 9 miles from the subject property and 3 from the A3. The location is a more established for industrial use than the subject.

**41 & 43 Picketts Locl Lane, Edmonton N9**

**£3.55 per sq ft**



Two adjacent open storage sites, one of 2.75 acres and another of 2.58 acres. Both have hardstanding with palisade security fencing. Situated 4.8 miles from Junction 25 of the M25 and a short distance from the A10.

Both sites let to Selco Trade Centres Ltd at £3.55 per sq ft on a 10 year lease from 1 February 2019.

**48 Vulvan Way, New Addington Croydon, CR0 9UG**

**£4.00 per sq ft**



Open storage land and yard extending to 0.52 acres (22,651 sq ft) connected to all the mains services, with hard standing, palisade fencing and a 1,785 sq ft workshop. The property is located to the west of Croydon, in close proximity to the A232 and A23.

The property let in December 2019 for a term of 15 years with tenant options to break in the 5th and 20 years. The agent advised a 2-3 months' rent free was negotiated by the tenant. The agreed rent of £90,000 per annum devalues to £4.00 per sq ft.

**112 Beddington Lane, Croydon CR0 4TD**

**£6.43 per sq ft**



Open storage land and yard extending to 3.42 acres (149,000 sq ft) connected to all the mains services, with hard standing and palisade fencing. The property is located to the North West of Croydon, close to Purley Way and the A232.

The 13 units within the property let between November 2018 and April 2020 for a term of 6-25 years at rents that reflect an average of £6.43 per sq ft, or £958,120 per annum.

In assessing rental value we have applied an overall value of approximately £8.00 per sq ft to the workshops, covered storage and offices.

We have allowed for additional rent to reflect the benefit of the open yard area and car parking in the order of £2.00 per sq ft. In addition, we have not been provided with details of the two base stations and telephone masts and have made an allowance of £5,000 for each.

**Investment Market Overview:**

Investment Market Sector Sentiment

Moderate

**Investment Comparable Narrative:****Industrial****1053 Great West Road, Brentford, TW8 9AU****Net Initial Yield 5.73%**

The freehold interest in 14,003 sq ft of second hand industrial space sold in June 2019 for £5.8m with a net initial yield of 5.73% equating to a capital value of £414 psf. The property is let on a lease expiring in April 2028 at an annual rental income of £355,000 pa.

**2-3 Hook Rise South, Chessington KT9 1DR****Net Initial Yield 4.43%**

A 23,815 sq ft property comprising two adjoining warehouse units, refurbished in 2016. They are let to Bishops Move and Carpetright, with a WAULT of 5.67 years to break options, for a passing rent of £292,000. The property sold in June 2019 for £6.175m, which reflects a net initial yield of 4.43%. This property comprises a superior standard of accommodation compared to the subject – we would anticipate a higher yield on the subject units.

**Oyster Park, Chertsey Road, Byfleet, KT14 7AX****Net Initial Yield 4.34%**

A terraced industrial park providing 44,475 sq ft of space across 9 units, which are let for a passing rent of £647,824 per annum. The estate sold in December 2019 for £14m, which reflects a net initial yield of 4.34%. Let to a higher rent roll and of a superior specification, we consider this property to be significantly superior compared to the subject.



**Unit 22, Invincible Road Industrial Estate, Invincible Road,  
Farnborough, GU14 7QU**

**Net Initial Yield 8.29%**



The long leasehold interest (78 years remaining) in a 10,146 sq ft industrial unit, which is let for an annual rent of £74,400 per annum. The property sold in December 2019 for £850,000, which reflects a net initial yield of 8.29%.

**Units 4, 5 & 6 Red Lion Business Park Red Lion Road Surbiton  
Surrey KT6 7QD**

**£112 per sq ft**



The freehold interest in three terraced industrial units totalling 11,810 sq ft, which were sold in August 2019 for £1.325m, a price which reflects £112 per sq ft.

**Unit 2, Trade City Sunbury, Brooklands Close, Sunbury-On-  
Thames, TW16 7DX**

**£153 per sq ft**



The freehold interest in a 3,531 sq ft terraced industrial unit sold in February 2019 for £541,538, reflecting a price of £153 per sq ft.

**Unit 14, The Metro Centre, St Johns Road, Isleworth, TW7 6NJ**

**£214 per sq ft**



A 3,498 sq ft detached industrial unit with parking spaces and loading area. The freehold interest in the unit sold in May 2019 for £750,000, which reflects £214 per sq ft

### Open Storage Areas

**Crawley Forest Timber Yard, Mulberry Way, Belvedere Kent, DA17 6AN**

**Reserve Price: £2,055,556 per acre**



The freehold interest in a former timber merchant's site extending to 0.9 acres (39,204 sq ft) providing significant open storage facilities with covered areas, offices and temporary buildings did not sell at auction in March 2019. The last bid was £1,665,000 reflecting £1,850,000 per acre, whilst the reserve price equated to £1,850,000 reflecting £2,055,556 per acre. The property was offered to the market with continued use as storage, use as a builders' merchant or for comprehensive redevelopment.

**Plant Centre, Bowling Alley, Crondall, Hampshire**

**£200,000 per acre**



3.6 acre open storage site in a semi-rural site close to Junction 5 of the M3 in Hampshire. The site was purchased for road haulage depot use although the precise planning permission was unclear, the previous B8 consent having lapsed. The site has a compressed hardcore surface in some areas but no concrete hardstanding. The site sold in October 2019 for £720,000 reflecting £200,000 per acre.

**Land at Wrythe Lane, Carshalton, Surrey, SM5 2QU****Net Initial Yield – 8.49%**

This site comprises a broadly level, triangular site extending to approximately 0.034 acres. At the time of sale the site was used as storage and let to Lee Kelvin Smith for a term of 5 years from October 2017 at a passing rent of £7,000 per annum. The property sold at auction in February 2019 for £81,000 reflecting a net initial yield of 8.49%. We would expect the subject to achieve a lower yield given its superior location.

The above comparables reflect a range of 4.34% to 8.49% for comparable industrial and storage units in the local area, and a range of £112-£214 per sq ft for local occupational sales. Having consideration to the location and condition of the subject property, we consider a yield of 7.50% to be appropriate for capitalising our opinion of Market Rent on the industrial units and the open storage area.

## SWOT

We consider strengths, weaknesses, opportunities and threats of the Property at the date of Valuation to be:

<b>Strengths</b>	Affluent area where demand for property of all types is generally good. Held on a freehold basis. Good demand for industrial and storage space within the M25.
<b>Weaknesses</b>	Access is via a residential street, limiting scope for extended industrial use. Weak covenant strength of tenants.
<b>Opportunities</b>	To clean up the site, update and/or replace existing buildings.
<b>Threats</b>	Ongoing economic uncertainty. Impact of Covid-19 on the economy.

Following the Referendum, held on 23 June 2016, concerning the UK's membership of the EU, a decision was taken to exit. After an initial period of uncertainty the transactional market settled down and volumes returned to more normal levels. However, since Q1 - 2019 there has once again been a dearth of both property occupational and investment transactions as companies have delayed their decision making process. Since the Tory election win in December 2019 there has been an uptick in investor sentiment, which is anticipated to start to remove the uncertainty on the process of Brexit. Notwithstanding this, while sentiment improves the transaction market remains thin. In "thin" transactional markets, by their nature, there is less certainty to be attached to valuation. With fewer transactions, there is less market evidence to provide definitive price guidance at any time, and this coupled to volatility in financial markets, creates additional risk. We would, therefore, recommend that the valuation is kept under more frequent regular review whilst this uncertainty remains.



**8. VALUATIONS AND VALUATION METHODOLOGY****Market Rent**

Element	Market Rent
Industrial Units	£73,256 per annum (£8.00 per sq ft)
Yard Area	£20,988 per annum (£2.00 per sq ft)
Telephone Masts	£10,000 per annum
Car Park Twickenham Film Studios	£15,000 per annum
<b>Total:</b>	<b>£119,244 per annum</b>
<b>Total, say:</b>	<b>£120,000 per annum</b>

Our opinion of Market Rent is stated as a headline rent and to achieve this, standard market letting incentives may be required. It assumes the terms of an institutional lease granted in respect of each element described above on effectively full repairing and insuring terms for a minimum term of 5 years without unduly onerous or beneficial covenants inferred on either party to it.

For the purposes of our rent assessment we have assumed the GIA of the buildings to be in the order of 9,157 sq ft and extent of the yard available for open storage, plant etc. to be in the order of 10,494 sq ft. Our estimate of the latter is by reference to site plans; we have excluded buildings, circulation space and the 14 car parking spaces used by Twickenham Studios.

**Valuation Methodology**

In assessing Market Rent we have adopted the comparable method of valuation which provides an indication of value by comparing the Property with other similar properties for which price information is available. We have adjusted these comparisons to reflect differences in age, size, condition, location and any other relevant factors.

Estimated marketing period (to-let)      6 months

**Existing Use Value (EUV)**

We are of the opinion that the current **Existing Use Value** of the **freehold** interest of Arlington Works, Arlington Road, St Margaret's, Twickenham, TW1 2BB as at date of inspection, for **planning/development appraisal** purposes with the **Special Assumptions that the property has the benefit of full vacant possession** is:

**£1,400,000**  
**(One Million Four Hundred Thousand Pounds)**

This reflects a price of £152 per sq ft, which is within the range of sales within the market area suggested by our comparables.

We consider 12 months to exchange of contracts is a realistic period required to achieve this value.

### **Valuation Methodology**

We have considered the market value of the property with vacant possession using the investment approach. In considering market value, we have adopted a yield of 7.5% to arrive at a gross value from which we deducted notional acquisition costs, letting fees, a 6 month void period and 6 month rent free incentive on the assumed leases. We are of the opinion that the Existing Use Value (EUV) of the existing freehold with vacant possession is in the order of £1,400,000.

We have not made any additional allowance to reflect hope value in this valuation. However we consider the value reported is likely to be underpinned by the possibility of being able to redevelop the site for an alternative use (subject to planning) in the longer term.

### **Proposed Purchase Price**

Has a proposed purchase price been provided to the valuer? No

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No sale price is available in this case; if such information comes to light before the loan is finalised this must be disclosed to the Valuer and the matter must be referred back to the Valuer for further consideration.

## 9. ASSUMPTIONS, LIMITATIONS AND REGULATORY INFORMATION

### Information

Any third party information supplied by the client, professional advisors, investigation agencies, Local Authorities, statutory bodies and other stated sources is accepted as being correct unless otherwise specified.

### Development Proposals

For the purpose of this Report and Valuation we have assumed that any proposed works will be completed in accordance with the details provided, to a reasonable standard of workmanship and in accordance with relevant regulations.

### Services

Unless otherwise stated we understand that all mains services are available to the property, including electricity, gas, water and mains drainage, although we have not made any enquiries of the respective service supply companies. We further assume that any of the services or associated controls or software are in working order and free from defect.

### Condition

We have not carried out a building survey of the property as this was not within the scope of our instructions, nor have we inspected those parts of the property which are covered, unexposed or inaccessible, and for the purpose of this report, such parts have been assumed to be in good repair and condition.

We cannot express an opinion about, or advise upon the condition of un-inspected parts and this report should not be taken as making any implied representation or statement about such parts.

Further, we have not tested any of the drains or other services, and for the purpose of this valuation we have assumed that they are all operating satisfactorily and no allowances have been made for replacement or repair.

The property has been valued with due regard to its appropriate existing state of repair and condition, including reference to its age, nature of construction and functional obsolescence. We believe we have formed a general opinion of the state of repair of the property in so far as it is likely to affect our valuation.

It is assumed that normal periodic maintenance will be carried out to maintain the property in a state of repair fit for its present use.

It is assumed that the condition of the property at the date of valuation is identical to that found at the date of our inspection.

### Plant and Machinery

Unless otherwise specified all items normally associated with the valuation of land and buildings are included in our valuations and reinstatement cost assessments (if provided), including:-

Fixed space heating, domestic hot water systems, lighting and main services supplying these, sprinkler systems and associated equipment, water, electricity, gas and steam circuits not serving industrial or commercial premises, substation buildings, lifts and permanent structures including crane rails where forming an integral part of the building structure, fixed demountable partitions, suspended ceilings, carpets, drains, sewers and sewerage plants not primarily concerned with treating trade effluent, air conditioning except where part of a computer installation or primarily serving plant or machinery.

Unless otherwise specified the following items are excluded:-

All items of processed plant and machinery, tooling and other equipment not primarily serving the building, cranes, hoists, conveyors, elevators, structures which are ancillary to, or form part of an item of process plant and machinery, sewerage plants primarily concerned with treating trade effluent, air conditioning where part of a computer installation or primarily serving plant and machinery, and water, electricity, gas, steam, and compressed air supplies and circuits serving industrial and commercial processes.

Unless otherwise specified, no allowance is made for the cost of repairing any damage caused by the removal from the premises of items of plant and machinery, fixtures and fittings.

In the case of petrol filling stations, hotels and other properties normally sold and valued as operational entities, all items of equipment normally associated with such a property are assumed to be owned and are included within the valuation unless otherwise specified.

### Defective Premises Act 1972

Liabilities or obligations or any rights there under, whether prospective or accrued are not reflected in valuations unless actually specified.



**Asbestos and Deleterious Materials**

This material was regularly used from 1960s to 1980s. The cost of maintenance, alteration and repair of any building where asbestos is present can be significantly increased because of the need to take appropriate precautions under The Control of Asbestos Regulations 2012 (amended February 2016). This in turn may impact value.

Under the terms of these Regulations a Dutyholder is required to manage asbestos in non-domestic premises. Typically, this encompasses a positive obligation to assess the likelihood of asbestos containing materials (ACMs) being present at the premises. This can be achieved either by reference to bona fide statements confirming that ACMs were not incorporated into the construction of the building, or by commissioning an asbestos survey. The results of that survey would then be interpreted, acted upon and recorded in an Asbestos Management Plan. For the purpose of our report, we have assumed that, unless indicated to the contrary, a survey would not disclose any evidence of asbestos or deleterious materials in the construction of the subject, in circumstances where it is likely to have an effect on health or safety.

We have not arranged for any investigation to be carried out to determine whether or not any deleterious materials have been used in the construction of the property, or have since been incorporated and we are, therefore, unable to report that the property is free from risk in this respect. For the purpose of this valuation we have assumed that such investigation would not disclose the presence of any such material to any significant extent.

**Composite Panel Cladding**

If the property has composite panel cladding, this may have implications for insurance depending on the type of panelling used; this may have an adverse impact on value.

Many insurance companies are now requesting confirmation from the building owner/insured as to whether composite panels have been used and if so what make they are and whether they are approved for use by the Loss Prevention Council (LPC), it being virtually impossible to tell from external inspection only.

Unless advised to the contrary and addressed within our report our valuation assumes that that there are no issues with the type and nature of the panelling utilised and that the building is fully insurable on standard commercial terms.

**Contamination**

Unless otherwise stated herein, we have not been instructed to commission a formal audit in respect of the subject site in relation to the potential presence of contamination. Furthermore, our brief enquiries have provided no evidence that there is a significant risk of contamination affecting the property or neighbouring property which would affect our valuation.

We have not carried out, nor are we qualified to carry out an Environmental Audit. Our comments herein are therefore merely a guide and should not be relied upon. If you require confirmation of the position, we strongly recommend that an initial Environmental Audit is carried out.

If we have been provided with third party reports we have accepted them as being correct.

We have assumed that any/all necessary decontamination works have been undertaken at the subject in its current and/or permitted use to be legally undertaken without contravention of any existing contamination related statute.

A purchaser in the market might, in practice, undertake further investigations than those undertaken by us. If those further investigations were to reveal contamination then this might reduce the value/s now reported.

Where property has been redeveloped we have assumed that any necessary de-contamination works required for the proposed redevelopment of the subject have been undertaken.

**Contaminative Invasive Species**

Unless otherwise informed we have assumed that there is no presence of any contaminative invasive species.

**Ground Conditions**

Unless otherwise stated, we have not been provided with a site investigation or geographical or geophysical survey. We have therefore assumed the ground has sufficient load bearing strength to support the existing structures (and/or any other structure which may be erected in the future) without exorbitant or excessive costs. It is further assumed that there are no underground minerals, archaeological remains etc which may have a detrimental impact on value.

For the purpose of this advice we have assumed that the ground conditions are satisfactory for a traditional method of construction. We have also assumed that there are no contaminating or other deleterious materials present which may prevent the development of the site in a traditional method or at normal cost levels. Furthermore, we have assumed that the site is capable of being serviced at a reasonable cost level, and that there would be no exorbitant or excessive off site costs relating to matters such as drainage, infrastructural adaptations etc.

If we have confirmed herein that the subject is located in an area of past mining activity, we recommend your solicitors instigate a mining search to comment upon the incidence of mining related settlement and location of mine shafts.

## **Flooding**

**Flood Risk** - the Environment Agency website uses indicative Flood Plain maps to provide a general overview of areas of land in natural flood plains and therefore potentially at risk of flooding from rivers or sea. The maps use the best information currently available, based on historical flood records and geographical models and indicate where flooding from rivers, streams, water courses or the sea is possible.

The information relating to the likelihood of flooding is the Environment Agency's assessment of the likelihood of flooding from rivers and the sea at any particular location, based on the presence and effect of all flood defences, predicted floor levels, and ground levels. The probability or likelihood of flooding is described as the chance that a location will flood in any one year.

**Drainage** – surface water run off flooding, known as 'pluvial' flooding, at times of prolonged, exceptionally heavy downpours of rain, is becoming increasingly frequent given surrounding drains and sewers are not always able to cope. It can be made worse in urban areas where the ground consists mostly of hard surfaces, such that the rain flows straight off rather than soaking away. Rising groundwater levels resulting from heavier rainfall and reduces abstractions can also present problems.

## **Town Planning**

We have made informal enquiries of the local planning and highway authorities and the information provided is assumed to be correct.

Unless otherwise stated, all planning information has been given via web based enquiries of the Local Planning Authority. In the absence of further information, we have assumed that the uses being carried out in each of the properties is an authorised planning use and that the buildings have been erected with full planning permission.

No formal search has been instigated and if reassurance is required we recommend that verification be obtained from your solicitors that the position is correctly stated in our report, that the property is not adversely affected by local authority proposals or requirements and that there are no outstanding statutory notices.

We have assumed that the properties and their value are unaffected by any matters which will be revealed by a local search and replies to the usual enquiries or by any statutory notice and that neither the properties nor their condition nor their present or intended uses are or will be unlawful.

We trust that your solicitors will check this information by taking out a local search and again, we would be pleased to advise further upon receipt of the confirmation of these details.

We have assumed that each property has full unconditional consent for the stated use and development described within.

For reference, following the Planning and Compulsory Purchase Act 2004, the old plan-making system is to be replaced by Local Development Frameworks (LDF). The LDF is not a single document or plan; rather, it is a suite of documents that combine to form the development plan for the area. The principal document is the Core Strategy, which sets the overall planning policy approach, which is supported by various Development Plan Documents (DPDs) for specific issues, such as site allocation.

## **Rating**

For reference the empty property rates for vacant commercial premises are 100% of the basic occupied business rate, after initial void periods have elapsed. For most properties, excluding industrial, the void period is 3 months. For industrial properties, the void period is 6 months.

Unless otherwise stated we have not investigated whether the property is subject to any transitional relief or phasing and are unable to comment in this respect.

## **Health and Safety Legislation**

Our valuation assumes that, in so far as is relevant to the subject, the property complies with the requirements of the Office Shops and Railway Premises Act 1963 as well as any superseding statute. The Act provides for securing the health, safety and welfare of persons employed to work in office or shop premises and those employed to work in certain railway premises.

## **Fire Legislation**

As from 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 came into force in England and Wales. Under this Order, Fire Certificates are no longer issued and existing certificates have been superseded by Risk Assessments. A Risk Assessment is required for all non-domestic properties, as well as tenanted domestic properties, and is to be carried out by a 'Responsible Person' as defined within the Order. The findings of any risk assessment must be recorded in writing where more than five or more persons are employed or the premises are licensed or there is an alterations notice.

The smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into effect from 1 October 2015 requiring that landlords of residential property must provide (a) a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation and (b) a carbon monoxide alarm in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. A landlord has a responsibility to insure that the detectors are checked and in proper working order. It is assumed that the property is compliant in regard to the above regulations.

**General Legislation**

For the purpose of this report, we have assumed that the property complies with current fire regulations, building regulation controls, employment regulations, defective premises and health and safety legislation.

**Discrimination**

The Equality Act 2010 and subsequent updates, makes it unlawful for service providers to treat disabled people less favourably because they are disabled (unless there is a clear and fair reason) in relation to their access to their place of employment or education; their access to goods, services and facilities (although note that where private clubs are concerned, only those with 25 or more members are required to be compliant with the Act) and their access to the functions of public bodies.

Employers, educators and service providers must all make *reasonable* adjustments for disabled people to be able to access and use property they have a right or need to visit; this is not restricted to physical access.

Where a temporary or permanent physical feature makes it impossible, or unreasonably difficult, for disabled customers to make use of a service or place of education or work, the provider has to take reasonable measures to remove the feature; alter it so that it no longer has that effect; provide a reasonable means of avoiding the feature; or, provide a reasonable alternative method of making the service available to disabled people.

The test of reasonableness is about what is practical in the service provider's individual situation; what resources they might have (and the amount of any resources already spent on making adjustments); whether taking any particular measures would be effective in overcoming a particular difficulty; the extent to which it is practicable for the service provider to take the measures; the extent of any disruption which taking the measures would cause.

For the purpose of this report and valuation we have assumed that the property complies with the relevant requirements of the Equality Act 2010 ('the Act').

**Sustainability**

Investor and occupational decisions are increasingly being informed by a range of sustainability related metrics that are beginning to be developed and that can provide measures of some aspects of a property's sustainability characteristics, for example Energy Performance Certificates (EPCs) and BREEAM. Furthermore industry benchmarking of sustainability performance is becoming more common place.

Characteristics that may be considered are land use, design and configuration, construction materials and services, location and accessibility, fiscal and legislative considerations and management and leasing issues. If, at the date of valuation, the market does not differentiate (in terms of demand), between a building that displays strong sustainability credentials and one that does not, there will be no impact on value.

**Energy Performance Certificates**

EPCs contain information about the energy performance of a building.

To meet the EU Energy Performance of Buildings Directive, EPCs must be produced by the 'relevant person' prior to marketing for property transactions including the sale, rent or construction of all buildings, whether residential or commercial, with the exception of places of worship, buildings less than 50 sq m, industrial sites, workshops and non-residential agricultural buildings that do not use a lot of energy, and temporary buildings.

The 'relevant person' will be the vendor or prospective landlord as appropriate; where a tenant wishes to assign or sub-let its interest and the premises have common heating or air-conditioning services, the landlord of those constituent parts becomes the 'relevant person'.

Local Authority Trading Standards Officers have powers to levy fines for non-compliance. EPCs are valid for 10 years from the date of production and can be reused as many times as required within that period, provided that changes have not occurred to the property relating to, for example, layout or refurbishment.

DECs (Display Energy Certificates) - Since 9 July 2015 public buildings in the UK over 250m<sup>2</sup> must display a Display Energy Certificate (DEC) prominently at all times. The aim of the Energy Performance of Buildings Directive is for the public to receive energy information about a building they are visiting. The Certificate provides information of a similar nature to an EPC but is an advisory document and thus not registered in the same way as an EPC.

**Rental properties** – when renting a property (including sub-letting and assignment, but excluding lease renewals, extensions or surrenders) to a new tenant, landlords are required to produce an EPC to the tenant and a tenant cannot legally move into the property until an EPC has been produced. Landlords are not required to produce an EPC to an existing tenant or if an existing lease is renewed or for dwellings in multiple occupation.

**Properties for sale** - sellers must obtain an EPC prior to marketing and provide a hard copy to the purchaser on completion.

Any commercial building over 50 sq m, marketed before 1 October 2008 but remaining on the market, needs a Commercial EPC. If it has been sold or rented out since 1 October 2008, a CEPC must have been commissioned and then handed over as soon as was practicable.

Our valuations assume that EPCs would be provided on sale in accordance with the aforementioned legislation however **we recommend that this is clarified by your legal advisors.**



**Tenure**

Unless otherwise stated, we have not inspected any documents of title and for the purposes of this valuation we have assumed that the subject interest is unencumbered and free from any unduly onerous or unusual easements, restrictions, outgoings, covenants or rights of way and that it is not affected by any local authority proposals. We recommend that your solicitors be instructed to verify the position.

**Tenant Status**

Unless otherwise stated, we have assumed that there are no arrears of rent, service charge or other relevant payments, or undisclosed breaches of covenant.

Furthermore, unless otherwise confirmed herein, we have not made status enquiries of the tenant company/ies and have assumed that all financially sound and capable of meeting their rental and other responsibilities under the lease terms.

**Taxation and Grants**

Value Added tax, taxation, grants and allowances, are not included in capital and rental values as, unless otherwise specified in the report, they are always stated on a basis exclusive of any VAT liability even though VAT will in certain cases be payable.

It is assumed for the purposes of valuation that any potential purchaser is able to reclaim VAT, unless otherwise stated. In particular it should be noted that where a valuation has been made on a Depreciated Replacement Cost basis the Replacement Cost adopted is net of VAT unless otherwise stated.

Unless otherwise specified Lambert Smith Hampton will not take into account of any existing or potential liabilities arising for capital gains or other taxation or tax reliefs as a result of grants or capital allowances, available to a purchaser of the property.

**Market Value (MV)**

We have prepared our valuation on the basis of Market Value (MV) which is defined in the RICS Valuation – RICS Red Book Global as:

“The estimated amount for which an asset or liability should exchange on the *Valuation Date* between a willing buyer and a willing seller in an arm’s-length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”

Further, no allowance is made for any costs of sale or any liability for taxation, including VAT, which may arise on disposal.

**Fair Value**

1. The estimated price for the transfer of an asset or liability between identified knowledge and willing parties that reflects the respective interests of those parties (IVS 2013).
2. The price that would be received to sell an asset, or paid to transfer a liability, in an orderly transaction between market participants at the measurement date (IFRS 13).

**Depreciated Replacement Cost (DRC)**

The current cost of replacing an asset with its modern equivalent asset less deductions for physical deterioration and all relevant forms of obsolescence and optimisation.

**Operational Entities**

The RICS advises that the most appropriate basis of valuation of properties normally sold as operational entities is Market Value as defined above. Such properties include public houses, hotels, holiday parks and other leisure uses, together with nursing homes, residential care homes, private hospital and petrol filling stations.

Our valuations reflect the following:-

- a. The market’s perception of trading potential with an assumed ability on the part of the purchaser to renew existing license, consents, registrations and permits;
- b. That the property is offered with vacant possession throughout, although in the case of nursing and residential care homes, subject to the contractual rights of the patients/residents occupying the home from time to time;
- c. That trade fixtures, fittings, furniture, furnishings and equipment are included.

Our valuations also specifically assume, unless otherwise specified that the business will continue to operate at a level not significantly worse than that indicated to us.

**Existing Use Value**

The estimated amount for which a property should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing wherein the parties had acted knowledgeably, prudently and without compulsion, assuming that the buyer is granted vacant possession of all parts of the property required by the business and disregarding potential alternative uses and any other characteristics of the property that would cause its Market Value to differ from that needed to replace the remaining service potential at least cost.

#### **Market Rent**

We have prepared an additional valuation on the basis of Market Rent (MR which is defined in the RICS Valuation – RICS Red Book Global as:

“The estimated amount for which an interest in *real property* should be leased on the *Valuation Date* between a willing lessor and willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”

#### **Insurance**

Insurance is usually arranged by clients (or their brokers) based on reinstatement cost assessments or occasionally on an indemnity basis and other methods of valuation are not appropriate. Therefore, in situations where advice is provided for insurance purposes, our methodology will be on a Reinstatement Cost Assessment basis.

#### **Reinstatement Cost Assessment**

The replacement figure stated for fire insurance purposes is a 'Day One' valuation and is given solely as a guide which may have to be varied and should not therefore be regarded as a formal valuation for insurance purposes. If a formal valuation for fire insurance purposes is required our Building Consultancy department will be able to undertake this on your behalf as a separate instruction.

It is assumed that the policy is on an indemnity basis with a fully operative reinstatement clause and no special conditions. We have assumed an instantaneous basis of value and have had no regard to any variation in building costs subsequent to the date of our estimate.

No provision is included for trade fixtures and fittings, occupiers fit out items, Value Added Tax, nor for loss of rent, extra costs of working or other consequential loss, local authority requirements and party wall works. Further, the figure excludes any land remediation and special contaminated waste costs. However, the figure is inclusive of professional fees, demolition and site clearance.

Following the outcome of the legal case *Bartoline v Royal and Sun Alliance Insurance plc* and another 2006, our assessment will not include for cost liabilities arising from any environmental consequences, contamination or pollution. We recommend that you consult your Insurers in respect of any specialist cover required.

A Reinstatement cost assessment is our opinion of the likely cost of reinstating all the buildings, on the basis that:-

- a. The accommodation provided will be similar in construction, design and area to the existing buildings;
- b. The works will be in compliance with conditions imposed by local Authorities in connection with the construction of the building;
- c. Unless reported separately, allowances are made to cover the cost of necessary demolition and site clearance prior to rebuilding, external works such as hard standing, private roadways and fences and professional fees which would normally be incurred.

Unless otherwise stated the reinstatement cost does not include any allowances for:-

- a. Any loss of rent incurred during rebuilding;
- b. Planning restrictions which a planning authority might impose;
- c. Special foundations required for plant and machinery or due to adverse ground conditions;
- d. Any plant, machinery, equipment, tanks, loose tools, office furniture and equipment (refer to the heading "Plant, Machinery, Fixtures and Fittings" for details of items normally included);
- e. Any effect of inflation on building costs occurring after the valuation date;
- f. VAT (except on professional fees) which normally be payable in addition.

#### **Apportionment of Value**

Apportionments provided between buildings, land and plant and machinery are normally depreciation purposes only. In normal circumstances apportionments are not valuations and they should not be used for any other purpose unless specified in our report.

#### **Future Useful Economic Life**

Future useful economic life of buildings is normally assessed in bands of years, most frequently subject to a maximum of fifty years. This applies to freehold properties and to leasehold properties where the future life is less than the unexpired term of the lease. An average figure is usually provided for groups of buildings forming a single asset. The figures are appropriate for depreciation purposes only.

#### **Compliance with Valuation Standards**

Where applicable our valuations are in accordance with RICS Valuation – Red Book Global Standards, published by the Royal Institution of Chartered Surveyors (“RICS”), the Insurance Companies (Valuation of Assets) Regulations 1981, the Financial Conduct Authority (FCA) “Listing Rules” (“Source Book”) and “City Code on Takeovers and Mergers” (“Blue Book”) as amended and revised from time to time. Copies are available for inspection.

#### **Total Valuation (Aggregation)**

Where provided this is the aggregate of the value of each individual property. It is envisaged that properties would be marketed individually or in groups over an appropriate period of time. If all properties were to be sold as a single lot, the realisation would not necessarily be the same as the total of the valuations. This assumption is not applicable to valuations made for taxation purposes.

#### **Limitations and Liabilities**

This Valuation Report is provided for the stated purpose and for the sole use of the named client. It is confidential to the client and their professional advisors and the Valuer accepts no responsibility whatsoever to any other person.

Neither the whole nor any part of this Valuation Report nor any reference hereto may be included in any published document, circular, or statement, or published in any way, without the Valuer's written approval of the form and context in which it may appear.

Such publication of, or reference to this valuation report may not be made unless it contains a sufficient contemporaneous reference to the Special Assumptions or departure(s) from the RICS Valuation –Red Book Global Standards.



# APPENDICES

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APPENDIX 1: LETTER/EMAIL OF INSTRUCTION, LETTER OF  
ACKNOWLEDGEMENT AND LSH TERMS OF ENGAGEMENT

16 November 2020

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**THE DIRECTORS**

Twickenham Studios London Limited  
The Barons  
St Margarets  
Twickenham  
TW1 2AW

Lambert Smith Hampton  
UK House  
180 Oxford Street  
London  
W1D 1NN

For the attention of: Tim Gee

Our Ref: 0159433-LW-0000

Dear Sirs

**Client:** Twickenham Studios London Limited

**Subject of Valuation:** Arlington Works, Arlington Road, St Margaret's, Twickenham, TW1 2BB

Thank you for your instruction email dated 5 November 2020 to provide valuation advice in respect of the above commercial property. Our valuation will be undertaken in accordance with the Royal Institution of Chartered Surveyors Valuation Standards – Red Book Global.

We set out the basis of our instruction as follows:

1. You have instructed us to value the property for planning/development appraisal purposes.
2. We must draw to your attention our enclosed Terms of Engagement for Valuation Services which, together with this Engagement Letter, form the Agreement between us regarding the work we are to undertake, the circumstances in which fees and expenses will be payable and details of our respective duties.
3. The valuation is to be of the freehold interest and on the basis of Existing Use Value (the definitions of which are attached). Please note that our valuation will be made in accordance with the appropriate statutory definition of Existing Use Value.
4. You require a valuation on the basis of vacant possession with the Special Assumption that:-
  - The subject has the benefit of full vacant possession.

This assumption will be stated in our valuation report and will be assumed to exist at the valuation date.
5. We have agreed that we shall rely upon the following information for the purpose of reporting to you:
  - As required, third party information that has been deemed necessary to complete the Desktop valuation and as set out within the report.



6. The valuation is required by 14<sup>th</sup> December 2020. The valuation date will be the date of our report. The Valuation will be carried out by Kenneth Hogg BSc (Hons) MRICS, Director and an RICS Registered Valuer who will be acting as an External Valuer. We confirm this Valuer will act with independence, integrity and objectivity, and has sufficient current local and national knowledge of the particular asset type at its particular market as well as the skills, qualifications, experience and understanding necessary to undertake the valuation competently. He will sign the report on behalf of Lambert Smith Hampton.
7. We confirm that over the last two years we have had no involvement with the property, the tenant or a prospective tenant, or with any party knowingly connected with the property.
8. In accordance with the Royal Institution of Chartered Surveyors Valuation guidance – Red Book Global, we have agreed that we shall depart from the Standards as follows:
  - VPS 2 Inspections and Investigations: in accordance with your instructions, we will not undertake an inspection of, or measure, the subject; our valuation will be undertaken on a 'desktop' basis and accordingly, we will be unable to establish facts that would normally be verified by making normal enquiries, including but not limited to; the characteristics of the area and property; floor and site areas; method of construction and finishes; state of repair and condition; age and estimated useful life; use and nature of the property; provision of amenities, services, installations, fixtures and fittings, plant and machinery and improvements; the presence of hazards and hazardous materials; and any physical restrictions on further redevelopment. Furthermore, we will rely on floor areas to be provided which we assume will have been calculated in accordance with the current RICS Professional Statement RICS Property Measurement 2<sup>nd</sup> edition, January 2018, and are correct. Accordingly if those floor areas are found to be incorrect, our valuation may be materially affected. Furthermore, we will limit use of our valuation report solely for internal management purposes; will require that no publication or disclosure may be made to third parties; and require that the Client will accept responsibility for the associated risk.
  - VPS 3 Valuation Reports: given the potential for valuation reports to be circulated to third parties, and content thereby being freely available to parties with whom future negotiations relating to value may be conducted, it is Lambert Smith Hampton's policy to exclude any reference to key inputs used, including details of market transactions, valuation methodology adopted and the principal reasons for conclusions reached when calculating opinions of value. You have agreed that our valuation report will therefore not make reference to such key inputs. Should you wish us to include these however, please advise by return.
9. In accordance with the Royal Institution of Chartered Surveyors Valuation guidance – Red Book Global, we have agreed that we shall restrict the scope of our instruction as follows:
  - VPS 2 Investigations: in accordance with your instructions we will not undertake those investigations and enquiries we would normally undertake in order to establish facts about the subject, including; those not relevant planning control, consents, history and enforcements; local and state taxes; sustainability; contamination; ground conditions; hazards and hazardous materials; flooding and drainage; and other statutory issues and environmental matters.
  - The nature of your instruction is such that we will not permit our valuation to be published or disclosed to third parties.

In accordance with the Red Book, our valuation report will confirm the nature of the restrictions, any resulting assumptions and the impact on the accuracy of the valuation.

10. COVID19 – RICS Guidance - We provide in line with RICS guidance reference to the impact of Material Uncertainty within our valuation report

For the avoidance of doubt, the inclusion of the 'material valuation uncertainty' does not mean that the valuations that will be set out within our reports cannot be relied upon. Rather, the declaration will be included to ensure transparency of the fact that – in the current extraordinary circumstances – less certainty can be attached to the valuation than would otherwise be the case. The material uncertainty clause is to serve as a precaution and does not invalidate the valuation. Given the unknown future impact that COVID-19 might have on the real estate market and the difficulty in differentiating between short term impacts and long-term structural changes, we recommend that you keep the valuation[s] contained within this report under frequent review.

11. Our agreed fee for providing you with our valuation report is £4,500 plus VAT. We shall charge VAT at the statutory rate on all fees. VAT will be calculated with reference to the level prevailing at the date of our invoice.

Our valuation report will be released on receipt of cleared funds.

12. Please note that any reproduction or public reference to the valuation or report will require our prior written consent.
13. We must draw to your attention that our compliance with the RICS Valuation – Global Standards may be subject to monitoring under the Royal Institution of Chartered Surveyors conduct and disciplinary regulations.
14. We confirm that the Valuation Division of Lambert Smith Hampton has a Quality Management System which complies with ISO 9001:2015.
15. In the event of any ambiguity or conflict between any of the documents comprising the Agreement, this Engagement Letter shall take precedence over any of the other Terms.
16. We are happy to consider your Solicitor's Report on Title prepared in connection with the proposed facility as part of this instruction. If however the Report on Title is delayed and is received in excess of 3 months from the date of our valuation report we will charge an additional fee on a time spent basis.
17. Our Valuation Report will be provided for the above-stated purpose and for the sole use of the named Client. It will remain confidential to the Client and his professional advisers and the Valuer accepts no responsibility whatsoever to any other person. Neither the whole nor any part of the Valuation Report nor any reference thereto may be included in any published document, circular, or statement, or published in any way, without the Valuer's written approval of the form and context in which it may appear. Such publication of, or reference to the valuation report may not be made unless it contains a sufficient contemporaneous reference to any Special Assumptions or departures from the Red Book confirmed therein. We refer you to Condition 9 of the attached Terms of Engagement for Valuation Services.
18. This instruction may be terminated by either party upon 30 days' notice to the other. If the instruction is terminated by either party we will be entitled to fees and expenses on the basis set out in the Terms of Engagement.

19. We are committed to providing a high level of service. In the event that you have any concerns about any aspect of our work please do not hesitate to contact me. Details of our complaints procedure are available on request.

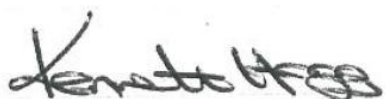
If this letter does not correctly set out your instructions to us please advise me by return. Please note that in the event either party notifies in writing of any subsequent amendments to these instructions, the other party's continued involvement will be deemed as having accepted those amendments.

Please acknowledge your agreement to the content of this Letter of Engagement and the enclosed Terms of Engagement for Valuation Services by signing, dating and returning to us the duplicate copy enclosed.

In the event that we do not receive your written confirmation of your instruction, your continuing instructions in this matter in the absence of any written objection will amount to your acceptance of the Terms of Engagement for Valuation Services.

In the event either party notifies in writing of any subsequent amendments to these instructions, the other party's continued involvement will be deemed as having accepted those amendments.

Yours faithfully



Kenneth Hogg BSc (Hons) MRICS  
**RICS Registered Valuer**  
**Director**  
**For and on behalf of**  
**LAMBERT SMITH HAMPTON**

DDI 020 7198 2283  
Mobile 07525 631979  
Email KHogg@lsh.co.uk

encl. Terms of Engagement for Valuation Services

I/we have read and accept the terms of this Engagement Letter and the Terms of Engagement and acknowledge receipt of a copy of same.

Signed



On behalf of



Date





**Royal Institution of Chartered Surveyors Valuation – Professional Standards Global**  
**Bases of Value**

**Market Value (MV)**

The estimated amount for which an asset or liability should exchange on the *valuation date* between a willing buyer and a willing seller in an arm's-length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

**Market Rent (MR)**

The estimated amount for which an interest in *real property* should be leased on the *valuation date* between a willing lessor and willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

# Terms of Engagement for Valuation Services

## 1 INTERPRETATION

### i) In these Terms:

"Agreement" means the agreement between the Client and LSH for carrying out the Service, incorporating the Terms and the Engagement Letter.

"Client" means the person to whom LSH is to provide services in accordance with the Terms and includes the person to whom the Engagement Letter is addressed.

"Director" means any person whose title includes the word 'director' whether or not a statutory director.

"Engagement Letter" means the letter or proposal document sent out by LSH to the Client setting out the basis on which it will carry out the Service.

"Expert Witness Terms" means the terms and conditions which, in addition to the Terms of Engagement letter, govern the provision of the Expert Witness Services (as defined within the Expert Witness Terms of Engagement).

"Force Majeure" means any circumstances beyond the reasonable control of LSH including, without limitation, war or threat of war, actual or threatened terrorist activity, any form of industrial action, disaster, adverse weather, act of God or act of governmental or other regulatory bodies.

"LSH" means Lambert Smith Hampton Group Limited whose registered office is at United Kingdom House, 180 Oxford Street, London W1D 1NN and any company which is in the same group of companies as that company.

"LSH Report" means the written advice and report(s) provided to the Client by LSH under this Agreement.

"Property" means the property identified in the Engagement Letter and any agreed variation to the Engagement Letter.

"RICS" means the Royal Institution of Chartered Surveyors.

"Service" means the service to be performed or procured by LSH under the Agreement including, where applicable, any Expert Witness Services (as defined in the Expert Witness Terms).

"Terms" means the terms and conditions set out in this document and includes the Expert Witness Terms and any other terms and conditions set out in the Engagement Letter or any other letter or document from LSH accompanying, supplementing or varying the Terms.

"Valuation Standards" means the RICS Valuation Guidance as set out within the RICS Red Book – Global

### ii) In these Terms:

- (a) A reference to "writing" includes electronic mail;
- (b) A reference to any provision of a statute or regulation shall be construed as a reference to that provision as it is in force at the relevant time taking account of any amendment, re-enactment, extension or repeal.
- (c) Except where the context otherwise requires, words denoting the singular include the plural and vice versa, words denoting any gender include all genders and any reference to a "person" includes an individual, firm, corporation and/or other legal entity.
- (d) References to a numbered condition are to that condition in these Terms.
- (e) The headings are for convenience only and shall not affect the interpretation of these Terms.

## 2 GENERAL

- i) The Agreement shall be made when the Client receives a copy of the Terms or gives instructions to LSH, whichever shall be the later, and shall be subject to the Terms, which shall also apply to all or any part of the Service carried out prior to such date.
- ii) LSH shall perform all Services on the basis of the Terms only, which shall apply to the exclusion of any other terms and conditions which the Client may seek to impose.
- iii) No variation of the Terms or the Engagement Letter shall be binding unless previously agreed in writing by a Director of LSH and in entering into the Agreement the Client acknowledges that it has not relied on any statement, promise or representation which has not been confirmed in writing by a Director of LSH.
- iv) In the event of any ambiguity or conflict between any of the documents comprising the Agreement, the Engagement Letter shall take precedence over any of the other Terms.
- v) Nothing in the Agreement shall confer or purport to confer on any third party any benefit or right to enforce any terms of the Agreement. No term of the Agreement shall be enforceable under the Contracts (Rights of Third

Parties) Act 1999 by a person who is not a party to the Agreement, although this shall not affect any right or remedy of any third party which exists or is available other than under such Act.

- vi) LSH's duties under the Agreement shall be limited to those set out in the Terms.
- vii) LSH shall be entitled to accept and act on any instruction given to LSH by any person who is an employee of, or advisor, to the Client.
- viii) If any provision of the Terms shall become or be declared illegal, invalid or unenforceable for any reason such provision shall be divisible, and shall be deemed to be deleted, from the Terms.
- ix) Nothing in this condition 2 shall exclude or limit LSH's liability for fraud or fraudulent misrepresentation.
- x) The Client shall provide its authority, instructions or information required to LSH promptly.
- xi) It is a condition of the Client's agreement with LSH that (save where LSH instructs independent experts, consultants or other third parties on the Client's behalf) the duties and responsibilities owed to the Client are solely and exclusively those of LSH and that no employee of LSH shall owe the Client any personal duty of care or be liable to the Client for any loss or damage howsoever arising as a consequence of the acts or omissions of such employee (including negligent acts or omissions) save and to the extent that such loss or damage is caused by the fraud, dishonesty, wilful misconduct or unauthorised conduct on the part of such employee.

## 3 SERVICE

LSH shall seek to provide a service such as would be expected of a national firm of consultant surveyors in a proper professional manner and shall perform the Service with reasonable care and skill.

The Service shall, however, be provided on the basis that:

- i) LSH reserves the right to carry out instructions in accordance with such procedures, principles or methodologies as LSH deems to be appropriate. Where appropriate, LSH shall comply with the relevant Practice Statements and Guidance Notes published by the RICS and measurements shall be undertaken in accordance with the relevant Code of Measuring Practice published by the RICS.
- ii) estimates of times for performance of all or any part of the Service have been made upon the basis of information available to LSH at the time and are approximate only so that LSH shall not be bound by any such estimate.
- iii) LSH may, if it considers it appropriate, secure performance of any or all Services by instructing one or more other persons (whether as sub-contractor or in any other capacity) upon such terms as LSH considers appropriate. In circumstances where LSH secures the performance of another person, no additional fee shall be payable by the Client in the absence of prior agreement to such additional fee but the Client shall be liable to pay all fees and other sums payable to LSH as if all Services had been performed by LSH.
- iv) The Client shall provide LSH (or ensure that LSH is provided) with details of any other consultants or contractors appointed or to be appointed by the Client relevant to the Service.
- v) If LSH are instructed to act as an Independent Valuer then the meaning and understanding of the term Independent Valuer shall be that LSH will exercise independence, integrity and objectivity when undertaking the Service in accordance with the Valuation Standards but LSH shall not be under any obligation to conform to any statutory or regulatory description given to the term Independent Valuer or the Client's definition or understanding of Independent Valuer unless LSH agrees with the client in writing prior to the instruction that any such other meaning shall apply.

## 4 THE PROPERTY

### i) Information

The Client warrants, represents and undertakes to LSH that (save as specifically notified to LSH by the Client in writing):

- (a) LSH shall be entitled to rely upon information and documents provided by or on behalf of the Client including those relating to matters such as Health & Safety, the Asbestos Register and details of tenure, tenancies, use, contamination, building costs, costs of development, town planning consents and building regulation consents, historic or projected future trading accounts and the like as being, to the best of the Client's knowledge, information and belief, accurate and not misleading (either on their face or by inference or omission) and the Client shall advise LSH and shall instruct any advisor to inform LSH in the event that the Client and/or any advisor receives notice or becomes in any other way aware that any information given to LSH is or may be misleading or inaccurate.
- (b) It shall provide legible true copies of any relevant documents reasonably required by LSH.
- (c) It shall make arrangements for the inspection of or attendance at the Property by LSH on reasonable notice in order to carry out the Service.
- (d) If the Client instructs LSH to re-value the Property without inspection LSH will assume that no material changes to the physical attributes of

the Property and the area in which it is situated have occurred and the Client has provided information of changes in rental income from investment properties and any other material changes to the non-physical attributes of each property such as lease terms, planning consents, statutory notices etc.

- (e) if the Client instructs LSH to undertake a critical review of a valuation prepared by another valuer and if LSH agrees in writing to do so then the Client shall undertake to provide LSH with full details of the first valuer's instructions so that LSH is in possession of all of the facts and information including the terms of instruction, circumstances and reasons for the first instruction so that LSH are able to undertake a critical review and the Client shall not publicise, discuss with third parties or refer to any critical review carried out by LSH in any documents or circular or otherwise without the express authority from LSH in writing.

## ii) Assumptions

Except where disclosed to LSH in writing, LSH shall be entitled to assume the following as appropriate:

- (a) Opinions of value shall be provided on the basis of "Market Value" or "Market Rent" as defined in the Practice Statements and Guidance Notes published by the RICS and in accordance with the Valuation Standards unless otherwise agreed in writing between LSH and the Client and, unless specifically notified by the Client to LSH and agreed in writing by LSH, LSH shall not be under any obligation to identify or take into account any marketing constraint such as if the Property cannot be freely or adequately exposed to the market or if the Property is subject to an inherent defect or constraint whether or not such circumstance or constraint is actual, anticipated or hypothetical and LSH shall not be required to take into account any time limit for disposal without adequate explanation from the client of the reasons for such a constraint.
- (b) There are no tenant's improvements which would materially affect LSH's opinion of the value of the Property unless otherwise advised. LSH shall not take account of any item in the nature of the tenant's fixtures and fittings, improvements, plant equipment, and machinery and LSH may (without any obligation to do so) make any reasonable assumptions to identify if any fixtures and fittings are part of the Property and which would pass, with the Property, on reversion, back to the landlord or on any sale and that all such tenant's improvements or fixtures and fittings have all necessary consents and are not subject to any onerous conditions.
- (c) There are no restrictive covenants or encumbrances or unduly onerous or unusual easements, covenants, restrictions, outgoing or conditions attaching to the Property or unusual terms in any relevant documentation or notices or procedures (including compulsory purchase orders) served, issued or threatened or any other matters whatsoever full information about which have not been supplied and brought to LSH's attention in writing and which would materially affect LSH's opinion of the value of the Property and that the Property has good marketable title.
- (d) The Property has the benefit of full planning consent or established use rights and building regulations approval.
- (e) The Property is not contaminated or potentially contaminated and, unless specifically instructed, LSH shall not undertake any investigation into the past or present uses of either the Property or any adjoining or nearby land, to establish whether there is any potential for contamination from these uses and shall assume that none exists.
- (f) LSH may rely on all data provided to it, or stated on any publicly available websites, in respect of any EPC affecting the property. LSH shall be under no obligation to establish if any EPC is accurate or current. In the event that no EPC is available LSH shall assume that the Property meets the minimum requirements of the legislation and that there will be no adverse impact on value and marketability.
- (g) The Property (including, without limitation, all means of access and egress, which shall be assumed to be freely available, to and from the same and all plant and/or machinery or substances located in or at the Property and provided for the use of any person) has been properly maintained and is in good repair and condition and that any obligation concerning repair, maintenance, decoration or reinstatement have been complied with in accordance with all and any necessary statutory or other regulations and requirements and, without prejudice to the generality of the foregoing, is safe and without risks to health. LSH may at its discretion reflect any readily apparent defects or items of disrepair noted during its inspection in valuations but the Client shall not rely on this to assume either that the Property is free from defect or that LSH have in any way quantified the extent of any repair;
- (h) The Property complies with all relevant statutory requirements including Fire Regulations.
- (i) LSH's valuations shall reflect the state reached in construction and the company's costs at the date of valuation, having regard to the obligations of parties involved in the development only to the extent that any costs or estimates which have been prepared by the Client's

professional advisors are made available to LSH and LSH shall not be liable for any error or inaccuracy arising directly or indirectly from such information and shall not be under any duty to advise concerning the accuracy or relevance of such information:

- (1) Except where specifically stated otherwise, LSH shall assume that the Property is subject to normal outgoing and that where relevant any tenant(s) are responsible for repairs, the cost of insurance and payment of rates and other usual outgoing, either directly or by means of service charge provisions.
- (2) Unless specifically requested, LSH shall not make enquiries as to the financial standing of actual or prospective tenants although LSH shall reflect the general market's perception of a tenant's status in its valuation. LSH shall assume, unless advised in writing, that tenants are capable of meeting their financial obligations under the lease terms and that there are no arrears of rent, service charge or other relevant payments or undisclosed breaches of covenants.
- (3) In the valuation of portfolios LSH shall value each Property separately and not as part of the portfolio. Accordingly, LSH shall make no allowance, either positive or negative, in the aggregate value reported to reflect the possibility of the whole of the portfolio being put on the market at any one time.
- (4) LSH shall be entitled to make such special assumptions ("Special Assumptions") as are necessary to provide the Client with the opinions of value requested by the Client. Any Special Assumptions made shall be agreed with the Client and set out in the Engagement Letter and shall be stated in the valuation report prepared by LSH.

## iii) Other matters

Unless otherwise stated in the Engagement Letter:

- (a) LSH shall not be responsible for making any local search or other enquiries of local or any other authorities, including town planning enquiries or investigation of title regarding the Property, which shall be the Client's sole responsibility, and LSH may rely on any such information provided by the Client or the Client's advisors without further enquiry. If LSH shall make oral or other enquiries regarding the Property to third parties, the results of such enquiries shall not be relied on by the Client.
- (b) Subject to agreement of the terms of any subsequent instruction, LSH shall not be responsible for making any structural or site survey or audit of the Property such as may be required under the Equality Act 2010 or Control of Asbestos Regulations 2012 or for testing any services to or on the Property, including the availability of broadband or other communications or information technology infrastructures.
- (c) Any advice, approval or representation made by LSH or any person on behalf of LSH regarding the legal meaning or effect of any lease or contract shall not be relied on by the Client and such advice shall be limited to matters upon which it is suitable for a Chartered Surveyor to advise and shall not constitute advice regarding legal interpretation or drafting issues. Unless otherwise agreed in writing between the Client and LSH, LSH shall not be obliged to advise upon the interpretation or drafting of any draft agreements, leases or other legal or technical documents.
- (d) LSH shall not be responsible for advising in respect of, or effecting the service of, any notice required to be given under statute or under the provisions of any contract or lease or otherwise and shall not be liable for advice, interpretation or compliance with any time periods or other provisions under statute, regulation (including the Civil Procedure Rules for the time being) or provided for in any contract or lease including any notice of appeal or for making payments or carrying out any other actions in accordance with such time periods.
- (e) There are no facts known to the Client which ought to be brought to the attention of LSH to enable it to ensure that access to the Property by any person is safe and without risks to health.
- (f) LSH shall exclude and shall not be required to take into account any work in progress stock in trade and shall not be required to take into account or be responsible for the interpretation of accounts, turnover figures or other financial or information relating to trade.
- (g) No allowance shall be made for any liability for payment of Corporation Tax, Capital Gains Tax, Stamp Duty Land Tax or any other property related tax whether existing or which may arise on development or disposal, deemed or otherwise. Valuations shall be deemed to be exclusive of Value Added Tax.
- (h) LSH shall not be under any duty to carry out conflict checks in relation to any third party (such as related companies) other than the Client or any other relevant party notified in writing by the Client to LSH.
- (i) Valuations shall not reflect any element of marriage value or special purchaser value which could possibly be realised by a merger of interests or by sale to an owner or occupier of an adjoining property, other than in so far as this would be reflected in offers made in the open market by prospective purchasers other than the purchaser with a



special interest unless LSH shall make a Special Assumption in this regard.

- (j) All valuations are given without adjustment for capital based government grants received, or potentially receivable, at the date of valuation or at some future date.
- (k) LSH's valuations shall be reported in pounds GBP. Overseas properties shall be reported in the appropriate local currency and represent LSH's opinion of the realisable value in the country of origin computed in accordance with local practice, with no allowance made for the transfer of funds in the UK.
- (l) Unless the Client shall specifically commission a formal survey with relevant obligations and LSH accept such instruction on terms to be agreed, LSH shall not be under any obligation to take into account any aspect arising from the condition of the Property including any benefit or liability in respect of dilapidations and no advice or representation concerning the condition of the Property shall be relied on by the Client or any third party.
- (m) Unless the Client shall specifically commission a formal management arrangement with relevant obligations and LSH accept such instruction on terms to be agreed, the Client shall remain responsible for the insurance of the Property and for notifying its insurers should the Property become vacant. LSH shall not be responsible for the management, security or deterioration of the Property or, except in respect of death or personal injury caused by the negligence of LSH or its employees or agents, for any other like matter or loss however caused. If the keys for the Property are held by LSH then the Client shall be deemed to have given authority to LSH to supply keys to any persons who wish to inspect the Property or carry out works or inspections at the Property and LSH shall accept no responsibility for the action of such persons. The Client shall effect and maintain full insurance cover against any claim that may be made by LSH or any representative or employee of LSH or by any third party in respect of any loss, damage or injury however caused arising directly or indirectly under or in respect of the Agreement.
- (n) whilst LSH shall endeavour to treat all information which is relevant to the Client's instruction as confidential, LSH may at its sole discretion provide any information to other professionals or third parties as is usual practice and, in any event, LSH may be required to provide such information to a court or tribunal or to the other party in any proceedings.
- (o) LSH shall not be under any obligation to arrange for any investigations to be carried out to determine whether or not any deleterious or hazardous materials have been used in construction of the buildings or have since been incorporated and LSH shall not therefore, be in a position to report that the Property is free from risk in this respect. Unless LSH are advised by the Client in writing, and subject to LSH's sole discretion, LSH's valuations shall be made on the assumption that such investigations would not disclose the presence of any such materials to any significant extent but this shall not be relied on by the Client as any indication that the Property is free from risk.
- (p) LSH shall not be under any obligation to carry out or commission a site investigation or geographical or geophysical survey in order to determine the suitability of ground conditions and services, nor shall LSH undertake archaeological, ecological or environmental surveys. Unless otherwise advised LSH assume, but can give no assurances, that the ground has sufficient load bearing strength for the existing structures or any structures proposed or considered. Where development is contemplated, LSH assume that no extraordinary expenses or delays will be incurred during the construction period, due to any adverse ground conditions or archaeological matters.

## 5 TERMS OF PAYMENT

- i) Unless otherwise stated in the Engagement Letter the Client shall be liable to pay LSH its remuneration or a due proportion of its remuneration at intervals to be determined by LSH or in the absence of such determination on completion of the Service at LSH's discretion. Payments are due on issue of the invoice and the final dates for payment by the Client shall be the date of issue of the invoice.
- ii) LSH shall be entitled to submit accounts for expenses at the time when incurred or ordered by LSH and such accounts shall be payable by the Client whether or not the Client withdraws its instructions. Accounts for expenses are due for settlement on presentation. Alternatively LSH may arrange for the suppliers to invoice the Client directly for services supplied.
- iii) VAT will be payable where applicable at the prevailing rate on all fees and expenses.
- iv) LSH reserves the right to charge the Client interest (both before and after any judgement) on any unpaid invoice at the rate of 3% per annum above the base lending rate of the Bank of Scotland calculated on a daily basis from the date of its invoice up to and including the date of settlement in full.
- v) If any sum due to LSH from the Client remains unpaid for more than 30 days after the date of the invoice LSH shall be entitled to suspend all further work for the Client until the outstanding sum is paid to LSH in full. In these

circumstances LSH shall not be liable for any delays, losses or expenses resulting from such suspension.

- vi) The Client shall not withhold any payment after the final date for payment of any sum due under this agreement unless notice is provided to LSH in writing by the Client not less than seven days before the final date specifying the amounts to be withheld and the reasonable grounds for withholding payment or if there is more than one ground, each ground and the amount attributable to it.
- vii) Unless otherwise stated in the Engagement Letter and subject to clause 5vi), all amounts due under this Agreement by the Client shall be made without set-off, deduction, withholding or counterclaim (other than any deduction or withholding of tax as required by law).
- viii) Where there are two or more clients in the case of a joint or multiple instruction by multiple parties invoices for an appropriate share of any fees or expenses as determined in LSH's sole discretion shall be issued to all or any client simultaneously or otherwise and each client shall be jointly and severally liable for the full amount of LSH's fees or expenses in the event that payment is not received from one or more clients.

## 6 FEES AND EXPENSES

- i) Fees shall be charged at the rate set out in the Engagement Letter or as otherwise agreed in writing between LSH and the Client. In the event of a change in the scope of the Service or LSH being required to carry out additional Services, LSH reserves the right to charge an additional fee.
- ii) In addition to the fees referred to in Condition 7i) the Client shall be responsible for all fees and expenses incurred or ordered in respect of the Property, which may include without limitation advertising, brochure production, printing of particulars, photography, mailing, digital marketing expenses, administration, Anti-Money Laundering checks, on site representation, sign boards, travelling, mileage, messenger delivery and copying of documents and plans. Expenses shall be passed on to the Client at gross cost unless otherwise stated in the Engagement Letter. LSH shall be entitled to retain any discounts or commissions which are available or paid to LSH in order to offset administrative expenses. A copy of LSH's fee rates where applicable shall be made available upon request, such rates being subject to amendment from time to time by LSH on written notice.
- iii) If, in connection with the service, the resolution of a dispute with a third party is referred to an adjudicator, arbitrator, expert, mediator, court or tribunal, all costs in connection with such referral shall be the sole liability of the Client and shall either be paid directly by the Client or be recharged to the Client as an expense and the Client shall indemnify LSH in respect of any liability or loss in such matters.
- iv) Unless specifically provided for in the Terms or accompanying letter or as otherwise agreed in writing between LSH and the Client the fees do not include remuneration for acting as an expert witness for which service a separate fee shall be required.

## 7 INTELLECTUAL PROPERTY

- i) Ownership in any information, documents or other material provided by the Client to LSH in relation to the Property or Services shall remain the property of the Client ('Client Material') and LSH is granted a perpetual royalty free licence to use, copy, adapt and modify such Client Material for the purposes of performing the Services and for the purposes of advertising or promoting LSH and its business.
- ii) Ownership of all materials, know-how, developments, reports, forecasts, drawings, accounts and other documents originated by LSH in relation to or arising out of the Service shall belong to LSH.
- iii) LSH shall grant the Client a perpetual royalty free licence to use the LSH Report. The Client may not use the whole, or any part of the LSH Report, or any reference to it in any published document, circular or statement, without LSH's written approval of the form and context in which it shall appear. Such approval is required whether or not LSH is referred to by name and whether or not the reports are combined with others.
- iv) If at any time the Client is in default of payment of fees or other amounts properly due under this Agreement, LSH may suspend the Client's licence to the LSH Report. At LSH's discretion, the licence may be resumed on receipt of all outstanding amounts.

## 8 INDEMNITY

The Client shall indemnify and keep indemnified LSH from and against all and any liability, losses, damages, penalties, fines, costs and expenses (including legal costs and expenses) suffered or incurred by LSH arising out of or by virtue of:

- i) The breach by the Client of any of its obligations under the Terms; or
- ii) The Client's instructions to LSH other than any losses, damages, costs and expenses arising by virtue of the wilful default of LSH or its employees or agents.

## 9 LIMITATION AND LIABILITY

- i) Except where LSH has entered into a specific agreement with a third party, the LSH Report is provided solely for the purpose of the Service and to the Client. Should the Client disclose any part of the LSH Report to any third

party the Client shall notify such third party in advance of the disclosure and in writing that LSH does not owe a duty of care to such third party. The Client shall indemnify LSH and hold LSH harmless against all liabilities, costs, expenses, damages and losses suffered or incurred by LSH arising out of or in connection with such disclosure by the Client.

- ii) In the event of a proposal to place any loan secured over the Property in a syndicate, the Client must (i) notify LSH of such proposal, ii) disclose the identity of the parties participating in the syndicate to LSH, and iii) obtain LSH's written consent (which may be subject to the inclusion of alternative or additional terms) for such parties to rely on any of LSH's valuations, reports and any other advice or information resulting from the Client's instruction.
- iii) Nothing in this Agreement shall limit LSH's liability for death and/or personal injury caused by LSH.
- iv) Subject to clause 9(iii) above, the aggregate liability of LSH to the Client whether arising from negligence, tort, breach of contract or other obligation or duty or otherwise shall be limited to five million pounds sterling (£5,000,000.00).
- v) Subject to clause 9(iii) above, LSH shall not be liable for any claim to the extent that such claim is or can be characterised as a claim for (or arising from):
  - (a) Loss of revenue or profits;
  - (b) Loss of business opportunity or loss of contracts;
  - (c) Loss of goodwill or injury to reputation;
  - (d) Indirect, consequential or special loss or damage; or
  - (e) Anticipated savings.
- vi) All risks and/or liabilities in relation to toxic mould, deleterious materials, contamination, radon gas, HAC or calcium chloride shall remain with the Client and the Client shall take such steps as it deems necessary to insure against or otherwise address such risks and liabilities.
- vii) LSH is not qualified to and will not provide any advice or services in connection with asbestos. The Client acknowledges that all risks relating to asbestos howsoever arising remain with the Client who shall take such steps as it deems necessary to address such risks. If appropriate the Client will arrange for the appointment by the Client of specialist asbestos consultants.
- viii) In the event of the Client engaging LSH together with other advisers, service providers and/or suppliers engaged by the Client or any other third party in relation to the Property, LSH's liability shall, in addition to the limitations contained in this clause 9 above, be limited to that proportion of any loss or damage suffered by the Client as it would be just and equitable for LSH to bear having regard to LSH's responsibility for it and on the basis that all other advisers, service providers and/or suppliers shall be deemed to have paid such proportion of the relevant loss or damage suffered by the Client which is just and equitable for them to have paid having regard to the extent of their respective responsibilities.
- ix) LSH will not advise on capital allowances in performance of the Services and will not be liable for any liability, losses, damages, penalties, fines, costs and expenses suffered or incurred by the Client or any other Third Party in respect of capital allowances. Insofar as LSH are liable for any capital allowances incurred as a result of the performance of the Services the indemnity set out in clause 8 shall apply.

## 10 REINSTATEMENT COST ESTIMATES

In the event that the Client requires an estimate of the cost of reinstating any building or structure, for insurance purposes the following terms shall apply:

- i) The Reinstatement Cost assessment is an estimate provided on an informal basis only and should not be relied upon for the purposes of placing insurance cover on the property. Should a Reinstatement Cost Assessment be required to enable an insurance policy to be placed, LSH Building Consultancy Division must be separately instructed to undertake such an assessment.
- ii) The Reinstatement Cost assessed for insurance purposes shall be a "Day One" valuation and shall not include an allowance for inflation and or design/procurement periods etc.
- iii) LSH shall assume that the policy is on an indemnity basis with a fully operative reinstatement clause, no special conditions, an instantaneous basis of value and shall have no regard to any variation in building costs subsequent to the date of LSH's informal assessment. LSH's assessment will be based on the assumption that the reconstruction of any premises, to provide similar or new accommodation, will be permitted by the appropriate authorities with no undue restrictions.
- iv) LSH will exclude tenant fit-out and or fixtures and fittings, Value Added Tax, loss of rent, extra costs of working or other consequential losses, local authority requirements and party wall works. Further, LSH's assessment shall exclude any land remediation and special contaminated waste costs. However, the figure will be inclusive of professional fees, demolition and site clearance.

- v) LSH shall assume that VAT is chargeable on professional fees and building works to new and existing premises.
- vi) LSH will not carry out a structural survey and LSH's assessment will be prepared on the assumption that ground conditions will not give rise to the need for any specialist or unduly expensive constructional techniques (specialist foundations etc) unless LSH is otherwise advised by the Client. In addition, the removal of hazardous materials, if any, shall be excluded from the informal assessment.

## 11 TERMINATION OF INSTRUCTIONS

- i) The instruction from the Client to LSH may be terminated by the Client by giving not less than 30 days' notice to LSH in writing to LSH whereupon LSH shall be entitled to charge (at LSH's option):
  - (a) A fair and reasonable proportion of the full fee which would have been payable if the work had been carried through to a conclusion and as if LSH had become entitled to payment in accordance with conditions 5 and 6 above, or
  - (b) A reasonable sum for all the work undertaken up to and including the date of termination based on quantum meruit; or
  - (c) The fee as LSH are entitled to under conditions 5 and 6 together in each case with any expenses already incurred.
- ii) The instruction from the Client to LSH may be terminated by LSH on the following terms by giving not less than 30 days' notice in writing:
  - (a) If, as a result of circumstances outside the control of both parties, it becomes impossible to perform the Services within a reasonable period. In these circumstances the Client shall pay to LSH a fee for all work which has been done up to and including the date of termination on a quantum meruit basis; or
  - (b) If the Client has made it impossible to complete the instruction within a reasonable period or has not made payment by the due date of any sum payable by the Client to LSH. In these circumstances the Client shall pay to LSH the full fee which would have been charged as if the work had been carried through to a conclusion (plus any expenses already incurred); or
  - (c) The fee as LSH are entitled to under conditions 5 and 6 together in each case with any expenses already incurred.
- iii) Any outstanding fees and expenses due to LSH shall be paid in full by the Client on or before the expiry of the notice period for termination of instructions. For the avoidance of doubt in the event of termination of instructions, whether by LSH or by the Client, LSH shall not be liable to repay the Client any fees and expenses previously paid by the Client to LSH.
- iv) Where any fees are to be charged on a quantum meruit basis such fees shall be calculated by reference to LSH's hourly charges from time to time, details of which are available from LSH on request.
- v) Notwithstanding the provisions of clauses i) and ii) above LSH shall be entitled to terminate an instruction from a client without notice if required to do so for statutory or regulatory reasons.

## 12 REGULATION AND COMPLAINTS

- i) LSH is regulated by RICS for the provision of surveying services. This means we agree to uphold the RICS Rules of Conduct for Firms and all other applicable mandatory professional practice requirements of RICS, which can be found at [www.rics.org](http://www.rics.org). As an RICS regulated firm we have committed to cooperating with RICS in ensuring compliance with its standards. The firm's nominated RICS Responsible Principal is Ezra Nahome, Chief Executive Officer, United Kingdom House, 180 Oxford Street, London, W1D 1NN or email [CEO@lsh.co.uk](mailto:CEO@lsh.co.uk)
- ii) LSH aims to carry out any instructions received from the Client in an efficient and professional manner. LSH, therefore, hopes that the Client will not find cause for complaint but recognises that in an isolated circumstance there may be complaints. These should be addressed initially to the Head of the LSH office dealing with the instruction.
- iii) LSH adopts the complaints handling procedures that are required by the RICS, a copy of our Complaints Handling Procedure may be obtained from our National Head of Standards and Practice, United Kingdom House, 180 Oxford Street, London, W1D 1NN or email [NHSP@lsh.co.uk](mailto:NHSP@lsh.co.uk).

## 13 ASSIGNMENT

- i) LSH may assign the Agreement without the consent of the Client.
- ii) The Agreement is not assignable by the Client without the prior written consent of LSH.

## 14 DATA PROTECTION

- i) We collect and process your personal information. All information will be processed in accordance with the applicable data protection laws in the United Kingdom including the laws and regulations of the European Union such as the General Data Protection Regulation (GDPR), the European Economic Area and their member states, applicable to the processing of Personal Data and the interception of communications in place from time to time (**Data Protection Laws**).

- ii) Full details of how we process your information can be found on our website <http://www.lsh.co.uk/privacy-policy>. Printed copies of our privacy notice are available on request.
- iii) You may change your communication preferences or withdraw from any further communications from us by contacting us at [privacy@lsh.co.uk](mailto:privacy@lsh.co.uk)
- iv) Where we receive personal data from any prospective purchaser or tenant of the Property, we shall only use that data for the purposes of your instructions and shall comply with Data Protection Laws.

## **15 MONEY LAUNDERING REGULATIONS**

### **i) Client identification**

As with other professional service firms, LSH is under stringent requirements to identify its clients for the purposes of the anti-money laundering legislation. LSH is likely to request from you, and retain, some information and documentation for these purposes and/or to make searches of appropriate databases. If satisfactory evidence of your identity is not provided within a reasonable time, there may be circumstances in which LSH is not able to proceed with the required services.

### **ii) Money laundering reporting**

- (a) Much of LSH's work falls into the regulated sector under the Proceeds of Crime Act and Sanctions and Anti-Money Laundering Act 2018 and, as such, we are required to report all knowledge or suspicion (or reasonable grounds for knowledge or suspicion) that a criminal offence giving rise to any direct or indirect benefit from criminal conduct has been committed. Failure to report such knowledge or suspicion would be a criminal offence. This duty to report exists regardless of whether the suspected offence has been, or is about to be, committed by a client or by a third party.
- (b) If as part of our normal work LSH obtain knowledge or suspicion (or reasonable grounds for knowledge or suspicion) that such offences have been committed we are required to make a report to the National Crime Agency or OFSI. It is not our practice to discuss the existence or otherwise of any reports with you or with anyone else, because of the restrictions imposed on us by the tipping off provisions of the anti-money laundering legislation.
- (c) LSH shall not be liable for any liabilities of the Client or third parties arising out of its regulatory obligations to report.

## **16 BRIBERY ACT 2010**

We undertake that we will not engage in any activity, practice or conduct which would constitute an offence under the Bribery Act 2010, and that we have, and will maintain in place, adequate procedures designed to prevent any Associated Person (as defined in the Bribery Act 2010) from undertaking any conduct that would give rise to an offence under the Bribery Act 2010.

## **17 GOVERNING LAW AND JURISDICTION**

The Terms, and the Agreement of which they form part, shall be governed by and construed in all respects in accordance with English Law and the parties irrevocably and unconditionally submit to the exclusive jurisdiction of the English Courts in relation to any dispute or proceedings arising out of, or in connection with, the Terms or any such Agreement but without prejudice to LSH's right to take proceedings in any other jurisdiction in order to enforce payment of any sums owed to LSH.

15 September 2020





## **APPENDIX 5 – RICHMOND LOCAL PLAN INSPECTOR'S REPORT**



The Planning Inspectorate

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# **Report to the London Borough of Richmond upon Thames**

**by Andrew Seaman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local  
Government**

**Date: 26 April 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Richmond upon Thames Local Plan**

The Plan was submitted for examination on 19 May 2017

The examination hearings were held between 26<sup>th</sup> September and 12<sup>th</sup> October 2017

File Ref: PINS/L5810/429/10



## Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
DCLG	Department for Communities and Local Government <sup>1</sup>
DtC	Duty to Co-operate
EqIA	Equalities Impact Assessment
Framework	National Planning Policy Framework
GB	Green Belt
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
KOA	Key Office Areas
LDS	Local Development Scheme
LGS	Local Green Space
MM	Main Modification
MoL	Metropolitan Open Land
OAN	Objectively assessed need
OOLTI	Other Open Land of Townscape Importance
OSNI	Other Site of Nature Importance
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement
the Plan	Local Plan

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<sup>1</sup> Now Ministry for Housing, Communities and Local Government

## **Non-Technical Summary**

This report concludes that the London Borough of Richmond upon Thames Local Plan (the Plan) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings and the majority were proposed by the Council. Following the hearings, the Council prepared schedules of the proposed modifications and produced an addendum to the Sustainability Appraisal in their regard. The MMs were subject to public consultation over a six week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary.

I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To ensure an adequate acknowledgement of the role of Neighbourhood Planning.
- To ensure the approach to issues including design, heritage, local character and amenity considerations is justified and effective in its implementation;
- To clarify the approach towards housing delivery, particularly in seeking to maximise the delivery of affordable housing;
- To ensure a robust and justified approach to open space, green infrastructure, other open land and local green space;
- To ensure a justified and robust approach to the Borough Centres and issues affecting employment, office and industrial land;
- To ensure there is a clarity of approach towards the Plan's Site Allocations
- To ensure adequate reference to environmental and air quality issues; and
- To ensure adequate monitoring of the Plan is proposed to ensure its effectiveness.

## Introduction

1. This report contains my assessment of the Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The London Borough of Richmond upon Thames Local Plan (the Plan), submitted in May 2017 is the basis for my examination. It is the same document as was published for consultation in January 2017.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity<sup>2</sup>. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map includes the set of plans identified as 'Proposals Map Changes Local Plan – Publication Version for consultation' as set out in SD2.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.

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<sup>2</sup> MMs 7, 20, 23



However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map which should be considered by the Council.

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Plan and the MMs.

## **Assessment of Duty to Co-operate**

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. The Council has provided a range of evidence to indicate how it has sought to discharge its duty. This includes the Duty to Cooperate Statement (SD12), the Legal Compliance Checklist (SD11), the Soundness self-assessment checklist (SD10) and relevant Hearing Statements. Within its specific London context, the combined evidence demonstrates adequately that the Council has sought to engage with relevant prescribed bodies on strategic matters.
10. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background**

11. The Council has described the submitted Local Plan as a review of its extant development plan documents which include the Core Strategy of 2009, the Development Management Plan of 2011 and site specific policies from the saved Unitary Development Plan of 2005. It is intended that the Local Plan would replace these documents and be read alongside the retained Twickenham Area Action Plan of 2013 and the Joint West London Waste Plan of 2015. In this context the Local Plan represents more than a review and is a single cogent document setting out the vision and spatial strategy for the borough for the period until 2033. I have considered the Plan in this context.

### **Main Issues**

12. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Is the Plan legally compliant? Does the Plan contain a robust spatial vision and justified strategic objectives consistent with national policy and in general conformity with the London Plan?**

13. The Council has prepared an extensive evidence base that supports the submitted Local Plan. This evidence includes, the Local Development Scheme, the Legal Compliance Checklist, the Duty to Cooperate Statement, the

Soundness Self-Assessment Checklist, the Statement of Consultation, the Equalities Impact Assessment, the Habitats Regulation Assessment, the SA and correspondence conducted following submission of the plan for Examination. With regard to this and all other matters, I am satisfied that the Plan has been prepared in accordance with the statutory procedures and associated regulations.

14. The Plan iterates the role of the Borough Council and summarises its strategic context within London and within its community. It contains a clear Strategic Vision built around three primary themes which are supported adequately by the evidence base including the Corporate Plan and the Community Plan. These themes link to a series of logical Strategic Objectives. The Council has used the SA as a means of assessing the vision and objectives of the Plan and, overall, I am satisfied that they are justified, consistent with national policy and in general conformity with the London Plan.
15. The Council's evidence base, which includes various Statements of Common Ground, indicates how liaison has been had with neighbouring Boroughs and the Mayor of London. Notwithstanding individual matters referenced further within this report, the evidence indicates how the Council has sought to work cooperatively and satisfactorily on strategic matters. This is an ongoing commitment which will include contributions and liaison upon the emerging London Plan. The Council has recognised the potential importance of Neighbourhood Planning through suggested changes to the Plan which I consider necessary as main modifications to ensure consistency with national policy. I recommend accordingly (MM1).
16. Subject to the MM, the Plan is legally compliant and does contain a robust spatial vision and justified strategic objectives which are consistent with national policy and in general conformity with the London Plan.

**Issue 2 – Is the approach of the Plan to 'Community Facilities' justified by the evidence base, consistent with national policy and will it be effective in operation?**

17. Section 8 of the Plan addresses the provision of Community Facilities. The Council's evidence includes information from the Infrastructure Delivery Plan (IDP) in relation to the provision and needs for various types of social infrastructure and is supported by documents such as the Joint Strategic Needs Assessment, the School Places Planning Strategy, the Indoor Sports Facility Needs Assessment and the Council's overarching monitoring data.
18. Policy LP 28 specifically refers to 'Social and Community Infrastructure'. This term is reasonably defined in part within the supporting text of the policy and I agree with the Council that attempts to supply a precise and consequently potentially exclusive and inflexible definition would not be appropriate. The policy expresses the Council's commitment to ensuring the adequate provision of community services and facilities through the provision of new infrastructure to meet needs whilst resisting the unwarranted loss of such elsewhere. Such an approach is consistent with national policy and the thrust of the London Plan. The policy and its supporting text justifiably seek an inclusive approach for all sections of the community whilst sensibly seeking a multi-use approach for existing and proposed buildings. The policy also

recognises the potential effects of major housing developments on social and community infrastructure and the potential need to mitigate impacts which I am satisfied is appropriate and necessary.

19. I have noted the Statement of Common Ground between the Council and Sport England which recites the position with regard to indoor sports facilities and with which I do not dissent. I recommend a main modification to require that the effects of development upon such facilities are assessed appropriately which will ensure consistency with, albeit without the need to repeat, national policy (**MM14**).
20. Policy LP 29 addresses issues affecting 'Education and Training' and is evidenced adequately by a range of sources including the Council's School Place Planning Strategy which is an iterative document constantly subject to review. The totality of evidence, which includes clear partnership working, supports the thrust and content of LP 29 which I consider to be robust in its justification and ambition.
21. Part B of the Policy seeks to promote 'Local Employment Agreements'. The Council has subsequently clarified the justification for this element which offers clear positive opportunities for the local community and is in line with the objectives of the London Plan. I recommend a main modification to clarify the link between the policy and its means of implementation through legal agreements to ensure it is legally compliant and consistent with national policy (**MM15**).
22. The Council's approach towards 'Health and Well Being' is set out within Policy LP 30. Once again, the evidence base for the Plan as whole indicates a commitment to partnership working where appropriate and this is seen within the Joint Strategic Needs Assessment, the IDP and the work of the Clinical Commissioning Group. The Plan has benefitted from a Health Impact Assessment in addition to the robust Equalities Impact Assessment (EqIA).
23. Part A of the policy addresses positively the pattern of land use and facility provision and is both consistent with national policy and in general conformity with the London Plan. Part B seeks to retain and improve facilities for the community and the Council has suggested a number of changes which clarify the approach and the link between Policies LP 28 and 30 which I consider necessary main modifications to ensure their effective implementation (**MM16**).
24. Part B takes a restrictive approach towards new fast food takeaways. As presented, the policy is not strongly supported by the evidence base as to why such outlets should be restricted within 400 metres of schools. The evidential link between obesity in children and hot food takeaway locations is fragile. Not all A5 uses are necessarily unhealthy albeit Public Health England acknowledges that access to healthier food sources is a contributory factor to obesity. As worded the policy is neither positive nor adequately justified.
25. The London Plan encourages positive measures to promote healthy lifestyles and national policy promotes access to healthy food. As a consequence there is scope for Policy LP 30 to take a positive management approach towards the promotion of healthy food within a reasonable walking distance of schools which contain a key and logical part of the community. I recommend



accordingly (**MM16**) to enable a justified and effective policy position to be established consistent with national policy and in general conformity with the London Plan.

26. Open space, sport, recreation and play facilities are addressed by Policy LP 31. I am mindful of the submissions of Sport England, the subsequent Statement of Common Ground, the IDP and the various Council studies which include the Playing Pitch Assessment, the Playing Pitch Strategy, the Open Space Assessment and the Indoor Sports Facility Needs Assessment. The cumulative effect of the evidence base relied upon by the Council is sufficiently up-to-date and robust as to enable the Council to plan suitably and adequately for future provision over the plan period.
27. Policy LP 31 is worded flexibly to enable suitable site specific assessments to be undertaken where necessary and is consistent with national policy, including where the loss of facilities including playing fields is proposed. To ensure clarity, effectiveness and consistency with national policy I recommend changes to the policy wording (**MM17**) to be inclusive of new and existing playing fields and associated sports facilities.
28. Overall and subject to the modifications, the Plan is supported by a sufficiently robust evidence base and the approach towards 'Community Facilities', which includes allotments as referenced by justified Policy LP 32, is consistent with national policy and will be effective in operation.

**Issue 3 – Is the Local Plan's approach to housing provision sufficiently justified and consistent with national planning policy and in general conformity with the London Plan? With particular regard to deliverability, has the Plan been positively prepared and will it be effective in meeting the varied housing needs applicable to the Borough over the plan period?**

29. The Council's approach to the provision of housing is set out specifically within Policies LP 34 - 39. This is informed by a broad evidence base that includes the Council's Housing Strategy which in turn has been produced with an awareness of the Revised London Housing Strategy, the Council's Tenancy Strategy and associated research. I am mindful that the Council has undertaken its own Strategic Housing Market Assessment (SHMA).
30. The Council's SHMA appears methodologically robust and has had regard to the Framework, the Planning Practice Guidance and existing London based evidence such as the Mayor's Housing SPG. Within the wider London housing market area, Richmond has a housing market closely integrated with its neighbours in the south and west of the city and the inter-relationships between administrations is recognised within the SHMA. The SHMA has not unreasonably had regard to the GLA long term migration projections. It has also been mindful of the DCLG Household Projections (July 2016) and the ONS Subnational Population Projections (2014 base) in addition to noting the content of the 2013 London wide SHMA. I find its content to be cogent and adequate.
31. The Council's SHMA has had suitable regard to available market signals which confirm that the Borough experiences relatively high housing costs and issues of affordability. Overall, I find the evidence has adequately and appropriately informed the Plan's approach towards housing issues which is sufficiently

robust notwithstanding the acknowledged potential to utilise alternative methods in calculating levels of housing need. The Council identify a minimum unconstrained demographic based need for 1047 dwellings per year.

32. The London Plan currently sets a minimum target for the Borough of 3,150 homes (2015-2025) and this would be satisfied by the submitted Plan. As indicated within its Housing Annual Monitoring Report (AMR), the Council has a housing trajectory which indicates that it can fulfil its intended requirement. It also, particularly in terms of its 5 year housing land supply and previous performance, supports a 5% buffer provision which I find to be consistent with national policy.
33. Whilst meeting the London Plan target, the submitted Local Plan does not propose to meet its identified housing need, citing constraints in terms of available land and sites, particularly in light of the existing Metropolitan Open Land and Green Belt designations. Within this context, I am mindful that at present the housing market area of London informs the overall London housing need which is disaggregated across the Boroughs to ensure an adequacy of supply; the Council has worked with its neighbours and the GLA, who do not raise a conformity concern, in assessing its housing requirement and provision. The Council has sought to discharge its duty to cooperate through engagement with both London and non-London Boroughs albeit I note that the Richmond upon Thames needs are not being met by the latter.
34. I have noted concerns that the London-wide housing needs, in addition to those of the wider south-east of England, and the overall requirement contained in the London Plan may not be met. However a shortfall of the latter is not certain. I note that some nearby Boroughs are seeking to provide a greater level of housing than the London Plan identifies as a minimum and that the strategic issue of housing provision across the south-east is more properly a strategic matter for London as an administrative whole and other relevant Councils.
35. I am aware that a new London Plan is emerging which will revisit the issue of housing provision across the city and engage within the wider south-east of England on housing requirements. This is a key point and opportunity for the Council to address positively the content of any new London Plan and challenge itself to review the content of its own Plan to accommodate strategic changes. This may necessitate a reassessment of its currently identified constraints, for example a review of its designated GB and the urban capacity of its existing sites and centres.
36. In the interim, I am satisfied that the submitted Local Plan is based upon robust evidence, is justified by the evidence base, is consistent with national policy and is in general conformity with the London Plan as regards housing. Policy LP 34 establishes the minimum housing target and the broad areas within the Borough which will accommodate the growth. For the effectiveness of the Plan in the immediate term, I recommend the Council's proposed modification to the text of Policy LP 34. This clarifies that the indicative targets are not to be considered limits and that the overall housing target is to be exceeded in addition to clarification that a potential review of the Local Plan may be required following the adoption of any new London Plan (**MM3**).

37. Policy LP 36 sets out the Council's approach to affordable housing. It is not in dispute that the Borough has both a considerable level of need and significant issues of affordability. These issues are magnified by the constraints on land availability which exist within the Borough.
38. I am mindful of the government's Written Ministerial Statement (WMS) which seeks to tackle the potentially disproportionate burden of developer contributions on small scale developers. As iterated in the Draft Housing Background Paper on Policy Thresholds (LBR-LP-005) plus the SHMA and its associated research, there is a persuasive basis for requiring affordable housing (either through provision on site or via a financial contribution to the established Affordable Housing Fund) on all sites, including those below a capacity of ten or more units. The Council's viability evidence illustrates the relatively high land value within the Borough.
39. The Council has sought contributions towards affordable housing on small sites for some years and the cumulative nature of its evidence supports adequately the inclusion of this approach within the Plan. In so doing, the policy makes clear that the number of units should be considered as 'gross' rather than 'net' but in the context of the need this is justified. The policy allows for the consideration of development viability such that I am satisfied it is sufficiently flexible to be effective in implementation. Whilst I am mindful of the weight to be afforded to national policy, the evidenced local circumstances of the Borough exceptionally warrant the content of LP 36 in this regard.
40. The policy contains an ambitious expectation that 50% of all housing units will be affordable housing units; 40% should be housing for rent and 10% intermediate housing. Given the level of need and the direction of travel contained in the Mayor's draft Affordable Housing and Viability SPG I consider that ambition is acceptable and should not be lightly set aside.
41. The Council has updated its Whole Plan Viability Assessment which has considered the cumulative effect of plan policies and specifically LP 36. While there are variations in land values across the Borough, I consider a single approach towards viability is adequately justified and can be effective. It is clear that the 50% target is a challenging one in some of the scenarios tested and that the past experience of the Council is that the actual level of affordable housing secured from development sites is considerably below 50%. Nonetheless, the level of need and the issues of affordability do justify an ambitious approach. The viability evidence supports the potential for some sites to realise proportions approaching 50% and LP 36 does contain sufficient flexibility for site specific circumstances to be considered in agreeing any final figure.
42. The Plan references Starter Homes and self-build opportunities adequately within the context of the Borough. Overall, the policy is justified adequately. LP 36 and its supporting text require modification in line with the Council's suggestions to ensure clarity, effectiveness and an appropriate cross reference to the London context. I recommend accordingly (**MM3**).
43. Policy LP 37 addresses the housing needs of different groups, which are defined in part by the supporting text at Plan paragraph 9.4.2. Once again, the policy approach has been informed by evidence such as the SHMA, the



Council's existing Housing Strategy and the London Plan such that I am satisfied the Plan is adequately informed and robust. The Council relies upon its AMR to assess the effectiveness of the policy approach and I have no reason to consider that this is not capable of being effective.

44. With regard to gypsies, travellers and travelling showpeople and as illustrated by its Research on Gypsies and Travellers (SD27), the Council has sought to engage with neighbouring authorities in addition to relevant representative bodies, including the Richmond Housing Partnership (RHP), in assessing the level of need within the Borough. The Council concludes that there is no demonstrated need for any additional pitches within the Borough nor are there any signals that there is an unmet need for gypsy or traveller accommodation into the future. The RHP manages the single existing Borough site which is deemed to be adequate. The Council's research has found no needs arising for travelling showpeople within the Borough. On the basis of the available evidence which appears proportionate to the issue at hand, I have no reason to reach a different conclusion.
45. Policy LP 35 sets out the Council's requirements for its housing mix and applicable standards. This has had regard to the evidence base, including the SHMA. I am satisfied that part A of the policy contains a justified emphasis upon family sized accommodation whilst retaining sufficient flexibility for site considerations to be accounted for, thus ensuring the policy will be effective in implementation.
46. Parts B and E of the policy require compliance with the Nationally Described Space Standard and clarifies the application of Building Regulation Requirement M4 (2 and 3). These requirements have been considered for their effect upon development viability and their adequate justification is summarised within the supporting text of the plan which also allows some flexibility for circumstances where the requirements of the policy may be impractical. I find these parts of Policy LP 35 to be justified and effective.
47. Part D of Policy LP 35 seeks to ensure that the amenity space for new dwellings is adequate. The criteria listed are reasonable and there is sufficient flexibility in the phrasing of both the policy and its supporting text to enable suitable judgements to be reached on the acceptability of development proposals such that I am satisfied it would be effective in implementation.
48. In contrast, Part C of the policy introduces a prescriptive requirement for compliance with specific external space standards. Whilst I have had regard to the extant LDF Development Management Plan adopted prior to the Framework being published, I note that this does not contain the same specific policy requirements and cross references the guidance contained in the Council's Residential Standards SPD (2010). The Local Plan explains that the SPD will be updated and I consider that this will be an opportunity to ensure that the guidance, rather than overly prescriptive policy, is appropriate to the current Richmond upon Thames Borough context.
49. There is insufficient evidence and justification for Part C to require compliance with the Council's current external space standards as expressed within LP 35. Consequently, I recommend that this part of the policy is modified to reference the need to provide appropriate external space with a cross

reference to the intended updated guidance of the SPD. This will ensure flexibility in the application of the policy, enabling the site specific circumstances of development to be more reasonably considered and thus ensuring its effective implementation (**MM3**).

50. Policy LP 38 relates to the 'loss of housing' and in light of the overall evidence available is consistent with the objectives of the Plan and is both justified and capable of effective implementation.
51. Policy LP 39 sets out the Council's approach towards infill, backland and back garden development. The policy requires that infill and backland development should address 10 factors. I am satisfied that the factors are reasonable and should be considered cumulatively and proportionately to ensure appropriate forms of new development are delivered.
52. Part B of the Policy sets out a presumption against the loss of back gardens in order to maintain local character. Whilst this is not an unreasonable aim, the policy contains an unnecessary reference to 'exceptional cases' being permissible where no significant adverse effect occurs. Provided that such adverse effects are avoided there is no need for the reference to exceptional cases and therefore I recommend a modification to ensure clarity for its effective implementation (**MM3**).
53. The Local Plan's approach to housing provision is sufficiently justified and consistent with national planning policy and in general conformity with the London Plan. Subject to the modifications, I find that it has had adequate regard to deliverability, has been positively prepared and will be effective in meeting the varied housing needs applicable to the Borough over the plan period.

**Issue 4 - Does the Plan take a justified and suitably evidenced based approach towards design, 'Green Infrastructure' and climate change? Is the Plan consistent with national policy in such regards and will it be effective in implementation?**

*Design*

54. The Council has a proportionately detailed understanding of the design qualities of its Borough, particularly as evidenced by its Village Plan SPDs. Policy LP 1 (A) sets out the Council's aspirations and criteria for assessing design quality which are justified by the submitted evidence base and deliverable. Policy LP 1 (B) relates to shop fronts and whilst somewhat prescriptive does contain sufficient flexibility to be effective in practice. LP1 (C) relates to advertisements and hoardings and I have no reason to consider it is not justified as far as it relates to the Richmond context.
55. The Borough Wide Sustainable Urban Development Study (SD 41) is relied upon by the Council for informing the content of Policy LP 2 'Building Heights'. Criteria 1-4 provide adequate clarity on what factors the Council will take into account when determining new development proposals. Criterion 5 is intended to provide guidance that there are alternative and more appropriate ways to create local landmarks other than using height and creating tall buildings; whilst this is correct, the wording of the policy is potentially limiting

and I recommend a modification to address this matter in the interests of flexibility and effective delivery (**MM4**).

56. Criterion 6 addresses tall and taller buildings and is supported by the reasoned justification to the policy. Whilst paragraph 4.2.3 defines 'tall' and 'taller' buildings, there is potential ambiguity as to how this would apply to LP 2 (6) which states that the Council will 'resist buildings that are taller than the surrounding townscape'. It cannot be the Council's reasonable intention to allow no structure to be built higher than existing buildings in the townscape which would be inflexible and would not represent positive planning; this is one interpretation of the submitted policy. The construction of the policy and its text suggest that the Council wishes to manage the erection of 'taller' buildings (as defined in para 4.2.3) whilst proposals for 'tall' buildings would be potentially clustered close to the rail stations of Twickenham and Richmond. This stance is supported by the evidence base and to achieve this objective I recommend a modification to the policy in the interests of effectiveness (**MM4**). Buildings which may not fall within the definition of 'taller' would nonetheless be subject to the considerations of criteria 1 to 5 which will provide the Council with adequate means to manage design quality and the appropriateness or otherwise of development proposals.
57. Policies LP 3, 4 and 7 relate to Heritage Assets of which the Borough has a rich variety. Following discussion with Historic England, the Council has proposed changes to the wording of its policies to ensure consistency with national policy and effectiveness. I recommend the changes as a main modification accordingly (**MM2**).
58. Policy LP 5 seeks to protect the quality of views and vistas from within and through the Borough. The policy is informed by the London View Management Framework and is in general conformity with the London Plan. It is justified and, as secured by the additional changes to clarify the wording as proposed by the Council, will be effective in operation (**MM2**).
59. Policy LP 8 relates to 'amenity and living conditions'. The objectives of the policy are justified and I appreciate that it is informed by the existing guidance of the Council's range of SPDs, such as those relating to extensions and residential standards. The criteria listed are, on the whole, flexibly worded and proportionate to the objectives of securing appropriate living conditions for residents into the future. However, there is insufficient justification for stipulating that a minimum separation distance of 20m between main facing windows of habitable rooms as included within criteria 2; to do so would be prescriptive, unjustified and inflexible for effective operation. This advice exists within the SPD although I note that this pre-existing reference is more flexibly worded. I therefore recommend a main modification to delete this criterion and to clarify that the Council's SPDs are guidance rather than a set of expected 'rules' in all scenarios (**MM5**). This will ensure a flexible, justified and effective policy.
60. Policy LP 10 seeks to address issues of local environmental impact, pollution and land contamination. I agree with the Council's assessment that such a policy is required. The policy addresses a number of specific matters and I have noted the recent Air Quality Plan update produced by the Council which reiterates that Richmond is a Borough which is an Air Quality Management



Area and which clarifies the levels of air pollution in certain locations. The policy is justified in principle and contains justified criteria to manage the potential effects of new development albeit a modification is required, for reasons of effectiveness, to clarify that 'emissions neutral' development should be the policy objective (**MM6**).

61. The policy has been considered, albeit in a set of general assumptions, for its effects upon development viability which I find adequate. The Council refers to a charge for the monitoring of any Construction Management Statement. This may only be acceptable in justified circumstances and therefore a modification is required to avoid the blanket application of an unwarranted charging regime (**MM6**).
62. Basement and subterranean developments are addressed by Policy LP 11 which the Council evidences adequately as a matter that necessitates inclusion within the Plan. Mindful of the impending Article IV directions on this issue within the Borough, I agree. The policy detail is derived from shared experience across London and the Environment Agency is content with the policy wording itself, cross referencing Policy LP 21 as appropriate. I have no reason to consider otherwise and find that the policy is justified and is capable of being effective in implementation.

#### *Green Infrastructure*

63. In support of Policy LP 12 (Green Infrastructure) the Council's evidence includes its Open Space Assessment and the IDP. The principle underpinning LP 12 is consistent with national policy and the London Plan whilst the hierarchy of public open space is similarly clearly defined. Whilst there is a degree of ambiguity in the use of potentially synonymous phrases such as 'green spaces', 'green assets' and 'green infrastructure network', the thrust of the policy is clear, seeking to protect and enhance the wider green infrastructure network. I am satisfied, mindful of the Council's useful minor clarification of terminology, that Policy LP 12 is justified and consistent with national policy.
64. Policy LP 13 addresses matters affecting Green Belt (GB), Metropolitan Open Land (MoL) and Local Green Space (LGS) and is similarly based on evidence which includes the documents cited above, the Council's extant development plan, the London Plan and national policy. The Council is clear that it did not consider it appropriate for this submitted Plan, as a review of its extant documents, to undertake a GB/MoL review. Whilst, on balance, this is a justified position to take at this moment in time, I consider that it may be necessary to review the GB/MoL boundaries during the life of the plan to take account of requirements of the intended replacement London Plan which, by current estimates, may require further assessments of how best to accommodate the growth and development needs of London and the Borough itself.
65. Part A of Policy LP 13 provides a clear statement of intent that is consistent with national policy. The second part refers to 'appropriate uses' which is not a term found within national policy but which of itself does not contradict the thrust of the latter which seeks to manage directly the construction of new buildings. In this regard, it seems that new buildings which are inappropriate

by definition would be dealt with against the content of criterion A and national policy.

66. However, Part B of the policy provides three further criteria which would be applied as necessary to proposals seeking new small scale structures. These criteria are not consistent with national policy which simply identifies (NPPF para 87, 89 et al) that inappropriate development should not be approved except in very special circumstances and that new buildings should be regarded as inappropriate except where specifically provided for (eg facilities for outdoor sport etc). I therefore cannot find the content of criteria B justified or consistent with national policy; it is insufficiently clear why this part of the policy is necessary. The supporting text of LP 13 endeavours to recognise that there may be exceptional circumstances where inappropriate development could be acceptable, for example water plants and associated facilities, yet such development would fall to be reasonably considered under Part A of the policy in any event. The imposition of further criteria is unnecessary. I therefore recommend that Part B of the policy is modified to ensure effective implementation in line with national policy (**MM7**).
67. Part C of the policy identifies that the Council will take into account the possible visual impacts of development outside of the GB/MoL on its character and openness. I am mindful of national policy as it applies to GB areas and, on balance and whilst recognising that this is a matter of both planning judgement and legal interpretation in its potential implementation, I do not find the policy unsound through its phrasing.
68. Part D of the policy provides protection to identified LGS. National policy makes provision for the development plan process to designate LGS where three criteria are satisfied albeit also states that the designation will not be appropriate for most green areas or open space. The Council has, at para 5.2.10, created a number of additional criteria to be considered for the designation of LGS. The rationale for these is not clearly explained in the pre-submission evidence. Critically however and as accepted by the Council during the Examination Hearings process, there is no clear methodology which explains how the criteria have been applied and what means of value analysis has been applied to the sites identified to be designated as LGS. Thus the justification for any decision to designate land is more one of assertive opinion rather than evidential analysis and consequently is insufficiently robust. In the absence of such analytical process the inclusion of land as LGS cannot be supported at this time. Nonetheless, the LGS references within the Plan can be retained subject to modification to ensure clarity and consistency with national policy (**MM 7**).
69. I have noted the volume of representation received in relation to the Udney Park Playing Fields. It is clear that a large section of the community supports the designation of the land as LGS, albeit this is not universal and I note the submissions to the contrary. Regardless of the particular development aspirations that may apply to the site, my focus is upon whether designation of the land as LGS can be justified. In light of the absence of robust analysis as to its value against the criteria of the Framework and how any judgements have been objectively assessed in relation to, for example, its beauty, historic significance, recreational value etc, the designation is not justified adequately. The land is close to the community but it is unclear how it 'serves' that

community and submissions have been received which argue that the land is both special or, in the contrary, not special and the rationale for both is not well developed beyond assertion. I am unable to conclude that the designation is justified at this time. The site will retain its existing designation as Other Open Land of Townscape Importance (OOLTI). As a simple point of fact, the absence of a LGS designation of itself does not mean the site is, or is not, suitable for development.

70. As iterated above, I accept that the Council can rely on the established GB/MoL designations and I note that the London Plan generally resists the release of designated land. In the absence of a wider GB/MoL review there is no compelling reason to assess the perceived anomalies in the designated boundaries at this time, for example as affecting the Old Deer Park or the location of St Paul's School. The Plan is not unsound as a consequence. Similarly, I note the concerns expressed at the location of the MoL boundary at Belmont Road and a request to release designated land. However, and as justified by the Council in its Hearing submissions, at this moment in time the reliance on established boundaries, remains sound.
71. Thames Water considers that its Hampton Water Treatment Works should retain its previous status as a Major Developed Site. However, such terminology is no longer part of national policy and is not part of the Plan. I consider that the submitted Plan in conjunction with the application of national policy will enable due consideration to be given to development proposals on any site and their justification.
72. Submissions were made to the Examination that land historically used as settlement beds in Station Road, Hampton has erroneously been shown as being within the GB on the Policies Map (and its predecessor). There appears to be a relatively complex background to this matter. However, as noted above, the GB is not being reviewed at this time. The established designations remain in force. It is for the Council to ensure that these designations are accurately depicted on its policies map and it must be noted that the policies map is not of itself under examination for soundness.
73. Consequently, it must remain for the Council to satisfy itself that the established GB boundary, which of itself is not affected by this Plan, is accurately identified on the policies map with due regard to the history of the site and its iterations within the plan production process. Should the Council identify that the previous depiction is inaccurate, it has the ability to correct it as a matter of fact. It has alternatively been suggested that the land in question should be released from the GB. As identified above, there is no justification or requirement to do so outwith a wider GB review and the Plan is not unsound as a consequence.
74. Policy LP 14 relates to OOLTI which is a pre-existing designation for land within its extant development plan. The policy recognises locally important open land and is justified adequately by the available evidence albeit the Council has necessarily confirmed that new OOLTI designations will only be made through the development plan process. Such modifications are necessary to ensure effectiveness and transparency of the policy application (**MM 8**).



75. Policy LP 15 relates to biodiversity and is supported adequately by the available evidence base and is consistent with national policy whilst being in conformity with the London Plan. I note that Natural England raise no objections to its content and have no reason to disagree.
76. The Council's approach towards trees, woodlands and landscape is provided by Policy LP 16. Given the context of the Borough with its relative abundance of natural assets the policy is justified and maintains flexibility in its intended application, for example by clarifying that only where practicable will replacement trees be required or a financial contribution be sought for off-site provision. The policy is justified and capable of effective implementation.
77. Policy LP 17 requires green and/or brown roofs to be incorporated within major schemes in the interests of maximising the sustainability of such developments following the lead of the London Plan and the draft London Environment Strategy. The effects upon development viability have been considered to an adequate degree in proportion to the average amount of major schemes forthcoming within the Borough. Overall the policy is justified and capable of implementation.
78. Following discussion with the Port of London Authority, the Council has suggested some changes to clarify the approach of Policy LP 18 which addresses the importance of the river environment. I consider that these are necessary to ensure their effectiveness (**MM9**). I am also satisfied that the policy is supported adequately by the evidence base, including that at the strategic London level, and is capable of being implemented reasonably.
79. Allied to Policy LP 18, LP 19 relates to moorings and other floating structures. This recognises that the River Thames is MoL and establishes the circumstances where new structures may be permitted in this sensitive context. I am satisfied that it is a policy adequately supported by the available evidence which can be effective in its delivery.

#### *Climate Change and Sustainable Design*

80. The issue of climate change is explicitly referenced in the Plan's Vision and the Plan has been prepared with an awareness of national policy and longer term considerations of environmental change. Policy LP 20 promotes development to be resilient to the effects of climate change and to ensure new development minimises impacts arising from overheating and energy consumption. The objectives of the Plan are supported by the content of the Council's Sustainable Construction Checklist SPD. I find the policy to be justified and consistent with national policy.
81. Issues of flood risk and drainage are addressed by Policy LP 21 which, in line with national policy, seeks to avoid or minimise flood risk with due regard to climate change. I am mindful of the Council's evidence base which includes its Strategic Flood Risk Assessment Level 1 Update and Flood Risk Sequential Test Report. I also note that the Environment Agency remains satisfied with the submitted Plan and its approach. I recommend a number of modifications to the Policy and its supporting text to ensure clarity, consistency with national policy and effectiveness in implementation (**MM10**) and conclude that the approach of LP 21 is justified and will be effective.

82. Policy LP 22 relates to matters of sustainable design and construction. The Council has had regard to the content of the London Plan and seeks to achieve high standards of design to mitigate climate change. The policy makes specific reference to its Sustainable Construction Checklist SPD, water consumption rates, BREEAM standards<sup>3</sup>, zero carbon aspirations for certain developments, the Energy Hierarchy, decentralised energy networks and retrofitting. I am satisfied that the Council has had adequate regard to the potential effects of the policy requirements upon development viability, both in terms of existing viability work undertaken for the London Plan and in work for the submitted Local Plan.
83. Subject to modifications to the Policy to clarify the status of the SPD and the application of a threshold for non-residential buildings which are necessary for reasons of effectiveness and legal compliance (**MM11**), I find the Council's approach to be justified, positively prepared, effective and consistent with national policy.
84. The Council has developed Policy LP 24 'Waste Management' in the context of the London Plan targets for waste and recycling and in the context of the West London Waste Plan which contains a suite of policies and a range of identified waste sites serving the Borough. An allowance for the effects of the policy has been made in the Whole Plan Viability Assessment which I consider adequate and I find the approach of the Plan in this regard to be consistent with national policy and in general conformity with the London Plan. The Council has suggested clarification to the policy and its supporting text which I consider necessary for reasons of legal compliance and to ensure effective implementation (**MM12**).
85. Arlington Waste Works is a site that has a relatively small geographic area but is identified as a waste management site in the WLWP. I note the Council's recognition, in changes to the submitted Plan (**MM12**), that 'the existing waste management sites as set out in Appendix 2 of the West London Waste Plan were identified at a snapshot in time. This list can be revised'. As such the continued identification of the Arlington Works site is justified albeit the Council retains the flexibility to assess its retention through its monitoring processes. The submitted Plan is sound in this regard.
86. Overall and subject to the MMs, the Plan does take a justified and suitably evidenced based approach towards design, 'Green Infrastructure' and climate change. It is consistent with national policy in such regards and will be effective in implementation.

**Issue 5 - Does the local plan provide the most appropriate and robust strategy towards the economy and the Borough centres with due regard to cross border issues? Is the approach evidenced adequately and consistent with national policy and in general conformity with the London Plan? Will the approach be effective?**

87. Policy LP 25 addresses the issue of development in established centres, the hierarchy of which is clearly identified and adequately justified by a broad evidence base that includes the extant development plan, the Council's Retail

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<sup>3</sup> Building Research Establishment Environmental Assessment Method

Study and research such as The Analysis of Town Centres. The policy provides a clear structure for the consideration of development proposals that may affect the vitality and viability of centres. The Retail Study justifies appropriately the 200sqm threshold for the application of the sequential test whilst the requirement for a Retail Impact Assessment is also suitably reasoned. In such regards I am satisfied the policy is consistent with national policy and, being conscious in its evidence base of the position of Richmond and its neighbours within London, in general conformity with the London Plan.

88. Given the objective of the policy, the focus upon main town centre uses and the requirement that the Local Plan should be considered as a whole, I do not consider that residential uses require specific reference within Policy LP 25. Such uses are not precluded by the submitted policy wording.
89. Policy LP 26 identifies both Key and Secondary shopping frontages which have been adequately informed by an assessment of retail needs, town centre health checks and monitoring data. As supported by the evidence base, Policy LP 26A seeks to resist the loss of retail floorspace and enhance its provision where appropriate. The policy is clear and justified such that it will be effective in its application. Any redevelopment proposal not aligned with the policy objective for retail frontages will remain capable of advancing site specific considerations to be weighed in the balance by the Council or any decision maker.
90. Part B of LP 26 relates to Secondary shopping frontages and enables non-retail uses to be considered in accordance with criteria. I consider the approach to be clear and justified in the interests of meeting the retail needs of the centres. Similarly, Policy LP 26C establishes an approach to resist the over-concentration of uses in an area that is sufficiently justified by the available evidence. The policy approach to essential goods, post offices and changes of use in non-designated frontages is capable of being effective in its implementation and is warranted by the Council's evidence and the Borough context.
91. I note that Policy LP 26F sets a marketing requirement for changes of use which are not supported by policy. This introduces a helpful flexibility to the implementation of the objectives of the Plan which is appropriate. The marketing period is relatively long, at two years, and the marketing approach is prescriptively detailed in Appendix 5. Such requirements are potentially helpful but should be capable of amendment where justified in order to be effective. I therefore recommend a main modification to avoid repetitive prescription and enable effective implementation (**MM 13**). Whilst otherwise justified by the evidence base, this modification also affects the content of Policy LP 27 A3 and B.
92. As regards Borough Centres, the Plan does provide the most appropriate and robust strategy that is capable of being effective and is supported by evidence that is consistent with national policy and in general conformity with the London Plan.
93. Section 10 of the Plan addresses Employment and the Local Economy. Policy LP 40 sets out the Council's ambition to support a diverse and strong local economy. This is to be secured by retaining land in employment use, directing



major new employment development towards Richmond and Twickenham, encouraging small, affordable and flexible workspace and within mixed use development proposals identifying the retention and enhancement of existing employment floorspace. The principles underpinning this approach are gleaned from the evidence base which includes the Council's Employment Sites and Premises Study (Stages 1 and 2), which I find to be robust, and the wider London context as described by the London Plan and supporting information from the GLA.

94. The Council's evidence identifies that there have been substantial losses of both office and industrial space over recent years whilst the Council considers that the demand for space and the buoyancy of the existing market is demonstrated by extremely low vacancy rates within its existing stock. I do not disagree and consider that the content of Policy LP 40 is robust albeit that the Council's suggested change to criterion 4 is necessary to ensure clarity and effectiveness through avoiding ambiguity of interpretation (**MM18**).
95. Policy LP 41 represents a multi-part approach towards office accommodation. The Borough has experienced a considerable rate of loss of B1a floorspace over the last few years, particularly through residential conversion. The vacancy rate of existing stock is below that normally considered reasonable to accommodate business 'churn'. As a consequence the Council considers its approach, to carry a presumption against the loss of office floorspace, to be warranted.
96. The Council has identified Key Office Areas (KOA) through its Stage 2 study and which in parts of the Borough are supplemented by Article IV Directions removing permitted development rights for the conversion of B1a space to residential use. I heard concerns expressed at how the KOAs have been identified, particularly where a mix of uses may exist.
97. Outside of KOAs, Policy LP 41 does contain a degree of flexibility to manage circumstances for a reduction in office space where compelling evidence exists. This incorporates a reasonable sequential approach to enable alternative employment uses etc before considering residential. On the facts of the evidence available, I am satisfied that this is a proportionate and justified approach which can be effective in operation.
98. Within KOAs, the policy states that the net loss of office floorspace will not be permitted. Whilst there is some variation in rental levels and yields in some areas, such as around Electroline House, the overall thrust of the evidence supports a robust approach towards retaining the employment uses within KOAs which is justified adequately by the available evidence. Whilst the aim to increase the net supply of office floorspace in mixed use redevelopment proposals is supported by the level of general need in the Borough, this should reasonably apply where the characteristics of the site and the development make it feasible rather than a predetermined requirement. For reasons of effectiveness I recommend accordingly (**MM19**).
99. Policy LP 42 addresses the issue of industrial land and business parks. The Council relies in part upon its Employment Sites and Premises Study and has made reference to the GLA London Industrial Land Demand study (2017). These indicate that the Borough has experienced losses of industrial land of a

higher rate than anticipated and that it retains a positive demand for industrial space into the future. I am mindful that the Borough is categorised as a 'restricted transfer' Borough by the GLA and that its rate of land release has been exceeding anticipated levels. The Council aims to carefully manage its industrial land and floorspace stock. As a consequence, Policy LP 42 seeks to protect and where possible enhance its existing industrial land which is a logical and justified response to the available evidence across the Borough.

100. Policy LP 42 carries a presumption against the loss of industrial land in all parts of the Borough. With regard to the available evidence, this is justified. Where industrial space is not located in the identified locally important industrial land and business parks, the Policy allows for its loss where robust and compelling evidence is provided and following the application of a sequential approach. This would enable the consideration of redevelopment proposals for office or alternative employment uses or mixed uses including employment or community activity. Once again this is adequately justified by the evidence. I appreciate that the Council's Development Management Plan makes reference to the potential loss of employment land in locations with *severe site restrictions* which is not explicitly reflected in Policy LP 42. However, I consider that criterion 1 of LP 42 allows for the submission of compelling evidence which clearly demonstrates the absence of demand for industrial based uses in such locations and therefore a modification to the submitted policy is not necessary to ensure flexibility and soundness.
101. The two year marketing period is lengthy but not unreasonable in the context of a Borough with high levels of occupancy and a minimal stock of land. I find that the detail contained within Appendix 5, whilst potentially prescriptive, is capable of appropriate and proportionate application such that it will provide an effective process to manage the provision of industrial space.
102. The Plan identifies a number of locally important industrial land and business parks within Appendix 6 supported by its Assessment of Light Industrial and Storage Stock and its Employment and Site Premises report. The principles of the Plan's approach are in conformity with the London Plan. In such areas the Plan seeks clearly to ensure the retention of its industrial land and floorspace. As a consequence, the loss of industrial floorspace will be resisted unless replacement floorspace is provided; development of new industrial floorspace and improvement and expansion of existing premises is encouraged; and proposals for non-industrial uses will be resisted where the introduction of such uses would have an adverse impact on the continued operation of the existing services. Such principles are justified adequately by the evidence base.
103. The Council is seeking to manage its industrial land and floorspace stock in the face of evidence which suggests that it is cumulatively in decline and not readily capable of being enhanced. Nevertheless, whilst the principles referenced above are not fundamentally disputed, concerns have been expressed and evidence submitted as to whether the identified sites are justified adequately by the Council's evidence base and whether the approach of Policy LP 42 is consequently justified with regard to their individual characteristics.

104. I have had regard to the submitted evidence and have noted the limitations, for example means of access and surrounding residential uses, which exist around some sites and which may affect their future use. Indeed, the Council accepts that some locations are 'far from ideal employment sites'. Given the overall context of the Borough and the diminished pool of sites with a high degree of occupancy in those that remain, I nevertheless accept that the Council is justified in its policy approach. The totality of evidence supports the identified locally important industrial land and business parks but only if a degree of flexibility is introduced into the otherwise rigid policy position to enable a responsive approach to effective future use based on an assessment of the site characteristics and the nature of any redevelopment proposed. I recommend accordingly to ensure an effective policy framework for effective implementation (**MM 20**).

105. I conclude, subject to modifications, that the Plan does provide the most appropriate and robust strategy towards the economy and the Borough centres with due regard to cross border issues. It is evidenced adequately and consistent with national policy and in general conformity with the London Plan such that it will be effective in its implementation.

**Issue 6 - Does the Plan address adequately transport issues and the provision of necessary infrastructure to support the delivery of the strategic objectives and the vision?**

106. The Plan's Strategic Vision identifies a need to support sustainable growth with a commensurate sustainable approach to transport, particularly through cycling, walking and high quality public transport. Policy LP 44 provides some detail to this aspiration and includes a commitment to working in partnership to achieve the vision. The Policy is informed by a broad range of evidence which includes the IDP, the wider London context including the draft Mayoral Transport Strategy and an awareness of various transport related schemes already in development.

107. I note that the Council has sought to work with Transport for London in the production of the final Plan and the content of the subsequent Statement of Common Ground. The Plan acknowledges adequately the relevance of development locations and the Public Transport Accessibility Level in addition to the cross cutting relevance of air quality within the Borough. Furthermore, the Plan identifies the breadth of transport modes available within Richmond, including the River Thames, such that I consider the approach of the Plan and Policy LP 44 to be both justified and consistent with national policy.

108. Parking standards and the servicing of development is addressed by Policy LP 45 and Appendix 3. The thrust of the policy is to require new development to accommodate vehicles in order to meet the needs of that development whilst minimising the impact of car based travel. Appendix 3 sets a Borough parking standard for different types of development which in many instances is the same as that contained in the London Plan.

109. I am mindful that national policy enables the setting of local parking standards for residential and non-residential development taking into account matters such as development accessibility, its type, mix and use, the context of public transport and local car ownership levels. The Council has commissioned



research<sup>4</sup> into its parking standards which has included the consideration of different options and ultimately supports the submitted position. The Council considers that Appendix 3 sets appropriate maximum parking standards whilst providing flexibility on a justified basis. However, Transport for London considers that Policy LP 45 and Appendix 3 are not in general conformity with the London Plan as the intended flexibility for parking standards in PTAL areas 2 and 3 would not encourage shifts away from car use in line with the aims of the London Plan, particularly in the absence of clarity on the maximum parking standard applicable and the way in which minimum provision may be applied.

110. Having regard to the Council's evidence which provides a detailed assessment of the Borough and its parking issues, I consider that the submitted Plan contains a level of bespoke flexibility that is reasonably applicable to the Borough circumstances and that is justified with regard to national policy. The objectives of the Plan are clear and the flexibility will enable the Council to consider the site specific circumstances of individual development proposals against both the development plan and salient material considerations. Whilst the detail is partly at variance with the London Plan, the underlying objectives remain similar and I do not find that the content of Policy LP 45 and Appendix 3 are so divergent as to constitute the submitted Plan being out of general conformity with the London Plan when both are considered as a whole. I note that the Council has suggested clarifications to the text of the Plan which I recommend to ensure the effective implementation of Policy (MM21).

111. With regard to the provision of necessary infrastructure, the Council has maintained a constant review of its IDP in liaison with appropriate partners and it also highlights its CIL Regulation 123 list. I have no reason to doubt the iterative nature of the IDP and the ability of the Council to maintain its focus on areas of necessary infrastructure requirements. Consequently, I am satisfied that the Council's monitoring activity, its Reg 123 list and the IDP underpin its robust ability to ensure necessary infrastructure is provided to support the Borough population and its future development.

112. Overall the Plan, subject to modification, does address adequately transport issues and the provision of necessary infrastructure to support the delivery of the strategic objectives and the vision.

**Issue 7 - Are the Plan's monitoring targets justified adequately and of a level of detail that is appropriate to a Local Plan? How will the effectiveness of the Plan be managed?**

113. The Council has an established Local Plan Monitoring Framework with which to assess the effective implementation of the Plan and its policies. The Council publishes a series of documents which collectively constitute its Monitoring Report. Table 2A of the Monitoring Framework lists the policies of the Plan and identifies appropriate indicators, targets and data sources which will be used to capture relevant information to assess the efficacy of the Plan as a whole. Not all policies have specific indicators for practical reasons but I am satisfied that the Council, in conjunction with the work undertaken for the London Plan Annual Monitoring Report, has a commitment to ensuring that the

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<sup>4</sup> SD39

delivery of the Plan and its objectives is monitored and managed suitably and proportionately.

114. For reasons of effectiveness, I recommend modifications to section 13 'Implementation' of the Plan to clarify the potential need for a review of the Plan in light of possible changed circumstances, such as national policy or the new London Plan, to clarify the position regarding planning obligations and pooling restrictions, to clarify the marketing requirements contained in Appendix 5 and to clarify some glossary definitions (**MM22**). Overall, I find the level of detail contained in the Monitoring Framework and the Council's approach towards monitoring is appropriate.
115. A critical purpose of monitoring is to ensure that the effectiveness of the Plan is optimised. This is recognised by the Council who intends to use its Monitoring Framework as a means to identify signals for change, alongside reviews of its IDP and decisions on planning applications to assess the effectiveness of its policies. This 'plan, monitor, manage' approach is proportionate and justified such that I am satisfied that the effectiveness of the Plan can be managed appropriately.
116. The Council has consulted upon its changes to the Policies Map to ensure that there is a suitable spatial representation of the content of the Plan. The Council has considered the Green Belt and MoL designations and is not proposing additional changes to these boundaries. There is insufficient evidence to find that such an approach is not proportionate and justified.
117. The Plan's monitoring targets and arrangements are justified adequately and of a level of detail that is appropriate to a Local Plan; subject to modification referenced above I find that they will support adequately the effective management of the Plan.

**Issue 8 - Are the Site Allocations justified by the evidence base and of sufficient detail so as to be effective in delivery?**

118. In 2012 the Council commenced work on its programmed Site Allocations DPD. Following stages of preparatory work and public consultation the Council decided not to pursue this DPD and alternatively to include specific allocations within the emerging Local Plan. Consequently the evidence for the Local Plan has its roots in this earlier work. Such evidence includes the SA which included a proportionate assessment of potential alternatives to the final chosen options for site development. I am mindful of this work in addition to the sources of evidence referenced by both the Council and other interested parties.
119. Not all allocations are referenced within this report due to the adequacy of the evidence base and the absence of matters that required further examination.

*SA 2 Platts Eyot, Hampton*

120. The Council has agreed a clarification with Historic England on the way in which heritage assets at Platts Eyot are referenced. This clarity, whilst useful, is not necessary to secure soundness. In other regards the allocation is supported adequately by the evidence base, including in relation to flood risk.

*SA 3 Hampton Traffic Unit, Hampton*

121. The site at the Hampton Traffic Unit is identified for potential redevelopment for business (B1), employment generating and other commercial or social and community infrastructure uses. The text of the allocation identifies the possibility that a residential led scheme could be considered if other uses were appropriately discounted. Whilst the evidence base broadly identifies the need for the non-residential uses and supports the approach of the allocation, the Council has recently granted planning permission for a residential scheme upon the site.
122. The Council does not wish to remove the aspiration of policy in the event that the extant permission was not implemented albeit that a minor change has been proposed to the Local Plan to clarify the position. Given the flexibility that is contained within the allocation and its supporting text, I am satisfied that circumstances do not necessitate a change to the focus of the allocation itself which is justified and appropriate.

*SA 7 Strathmore Centre, Teddington*

123. The Strathmore Centre is Council owned and in social infrastructure use currently providing child care. The site allocation seeks to retain this function and/or provide affordable housing albeit the latter would arise in the event the former was not feasible. Users and residents have raised concerns at the potential loss of the use and the adequacy of outside play space in any redevelopment proposal. The Council has clarified that redevelopment would only be acceptable if appropriate outside space and parking related to child care was re-provided. I agree that this modification is required (**MM 23**) for the effective delivery of the site aspirations and find that the evidence base supports the site allocation when considered overall.

*SA 8 St Mary's University, Strawberry Hill*

124. St Mary's University is an established institution within the Borough. As identified within the evidence, there are a number of considerations which affect any future development including the presence of MoL, listed buildings and Buildings of Townscape Merit.
125. As presented, the allocation would enable the retention and upgrading of the University and its associated teaching, sport and student accommodation including potential adaptations, extensions and new build elements on site where appropriate. To facilitate this work a 'Masterplan' or site development brief is envisaged to be prepared with the Council which is intended to become SPD. The existing Strawberry Hill Village Planning guidance SPD will be a consideration on matters of design in any redevelopment scheme. As worded therefore, the allocation provides a flexible approach towards possible redevelopment and upgrading works over the life of the Local Plan.
126. I heard discussion as to the justified needs to provide additional floorspace and the extent of the stated demand for University places. The empirical evidence is limited in these regards but I am mindful that any development would invariably need to be viable and that the Council wishes to ensure the



institution remains a competitive higher education facility in the future; in such regards it has been mindful of the University's ambitions. Overall and on balance, I am satisfied that the approach of the site allocation is adequately justified.

127. As referenced within the Statement of Common Ground, the Mayor of London disagrees with the Council on the approach to be taken within the allocation wording towards potential development occurring within the MoL, favouring the need to clarify that necessary development will be within previously developed land. Nevertheless, the Council agrees with the Mayor that modifications to the supporting text will clarify that MoL will be protected and that proposals should improve the character and openness of the MoL itself. I recommend modifications to SA 8 to ensure clarity as to how the allocation may be implemented effectively which includes a justified cross reference to relevant national and development plan policies. Such modifications also address the views of Historic England as regards the heritage assets of the site which warrant a more focussed reference (**MM 23**). On this basis the site allocation is justified by the evidence base and of sufficient detail so as to be effective in delivery.

*SA 11 Twickenham Stadium, Twickenham*

128. Twickenham Stadium is recognised within its site allocation as having national importance and support is provided for the improvement of its grounds for sports uses whilst allowing for appropriate additional facilities. The rationale for the policy is clearly expressed by the Council although the site operators wish to increase the flexibility of the allocation to enable a more diverse range of activities to occur at the site.
129. The Council has agreed changes to the wording within SA 11 to reference the reconfiguration of the stadium stands and the potential for a mixed use scheme that may include residential development with affordable housing; this latter element being supported by the housing evidence base and the other policies of the submitted Plan. I consider these changes helpful but not essential modifications to secure the soundness of the allocation itself which does not preclude this outcome. Nonetheless, the allocation does not reference the growth of the stadium or the operation of non-sporting activities at the site.
130. Given the location of the site and its established use in conjunction with the degree of flexibility contained within the submitted allocation, I agree with the Council that SA 11 provides adequate clarity for Twickenham Stadium at this time and that the normal application of the development management process would be able to resolve appropriately alternative proposals that may come forward.

*SA 14 Kneller Hall, Whitton*

131. Kneller Hall is described as the 'home of military music' but has been declared surplus to requirements. The Council proposes to update the Plan to reflect this situation with an additional change to the supporting text.
132. The site allocation and its supporting text provides reasonable clarity on the issues affecting the site and indicates that a range of new land uses may be

appropriate for the location which will be guided by a 'masterplan/site development brief' to be produced in conjunction with the Council. This latter piece of work will be an appropriate opportunity to assess the capacity of the site and its ability to deliver the range of potential uses referred to within SA 14 and will also be a suitable time in which to assess whether any element, for example residential, should lead the redevelopment initiative. I consider that such an approach is robust and provides considerable flexibility for any redevelopment scheme which will be deliverable as a result.

133. The site allocation requires a main modification to ensure its effectiveness with regards to the role of the playing fields and the sensitivity of the heritage assets (**MM23**) and, subject to this, is justified by the evidence base and of sufficient detail so as to be effective in delivery.

*SA 15 Ham Close, Ham*

134. Ham Close is an area of existing housing which the Council identifies as representing an opportunity to secure a comprehensive and beneficial redevelopment. The Council intends to continue its work with the Richmond Housing Partnership to produce a suitable 'masterplan' that will guide the re-provision of residential and non-residential buildings upon the site and allow for new residential accommodation as appropriate. The allocation identifies the factors which will need to be considered in bringing forward such a scheme and I am satisfied that it is justified and capable of effective implementation.

*SA 16 Cassel Hospital, Ham Common*

135. Cassel Hospital is an operational site providing a national service for those with complex personality disorders. The site allocation identifies that if the hospital becomes surplus to requirements then social and community land uses would be the most appropriate whilst some residential development could be considered if it allowed for the protection and restoration of affected heritage assets.
136. The Council's evidence base, including specifically the IDP, identifies a need for a suitable provision of health care and educational support services. Whilst I appreciate that the site would require investment to accommodate potential new activities, that factor alone does not negate the justification for seeking social and community infrastructure uses. The allocation is sound in such regards. Indeed, the allocation does acknowledge the potential scope for some residential uses to support the protection and restoration of the listed buildings and, in the absence of viability evidence to the contrary, I am satisfied that this flexibility does enable the potential deliverability of the Council's aims. On this basis the site allocation is justified by the evidence base and of sufficient detail so as to be effective in delivery.

*SA 17 St Michael's Convent, Ham Common*

137. St Michael's Convent and The Cottage are located at Ham Common and were effectively vacant at the time of my visit. The site allocation identifies that social and community infrastructure uses are the most appropriate for this site albeit conversion or redevelopment for residential uses could be feasible if it allows for the protection and restoration of the listed buildings on the site. I

am mindful that applications are being determined by the Council that incorporate retirement units and meeting rooms.

138. As worded, the allocation contains a clear emphasis upon the provision of social and community uses. The Council considers that this is justified due to the needs of the Borough and the area as identified within the IDP. I do not disagree. The allocation contains a reasonable flexibility for residential uses to be provided where it would enable restoration of the listed buildings. This is justified and appropriate.
139. The land to the north of the existing buildings is designated within the Local Plan as OOLTI. The earlier part of my report assesses the Council's approach to LP 14 and the designation of OOLTI. Based upon the criteria applied by the Council, the trees and plants in the northernmost part of the rear gardens are visible from the public domain and surrounding properties and contribute positively to the local character. The rear gardens are of a relatively and locally significant size. Their presence is notable from outside of the site, for example when perceived from Martingales Close. It is also reasonable, with regard to the available ecological evidence, to consider that the gardens do contribute to the network of green infrastructure, particularly given the presence of Ham Common to the south and the green corridor between Richmond Park and the River Thames.
140. However, the perceived value of the gardens outside of the private boundaries of the site diminishes as proximity to the existing main site buildings increases. Based upon the evidence provided, including my site inspection, the value of the gardens when assessed against the OOLTI criteria lie to the north of the former lawned areas and therefore should not include areas which lie open where more immediately adjacent to the buildings themselves and which are demarcated by an established footpath. The boundary should reflect this. The former allotment areas to the north of Avenue Lodge and west of the former lawns are characterised by an absence of significant development and this would reasonably inform views into and out of the site, albeit above the boundaries, from neighbouring properties. As a consequence, the inclusion of this area as part of the wider OOLTI is justified.
141. The Council considers that the gardens should also be designated as an Other Site of Nature Importance (OSNI). Whilst this was originally identified without the benefit of a site inspection, the Council's evidence was updated following a 'walk over' visit by the Council's ecology advisor and I am mindful of the Council's further Addendum evidence<sup>5</sup>. In totality, this indicates a range of habitats, tree and wildlife species relevant to the site. I have also been provided with a detailed Ecological Assessment (Aug 16) and a subsequent 'Briefing Note – Rebuttal' which addresses the area excluding the orchard area and amenity planting in the northern half of the site (Rep-026-01). This latter evidence, when considered overall, represents a more comprehensive and robust assessment of the site characteristics, including an assessment of the previous lawn area and its relationship to the priority habitat of 'Lowland Dry Acid Grassland'.

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<sup>5</sup> PS-065



142. Particularly as set out in the 'Rebuttal', including the comparative analysis at Table 1, the balance of evidence does not demonstrate sufficiently and robustly that the lawn area is a priority habitat that supports its inclusion as an OSNI.
143. For the avoidance of doubt, the available evidence indicates that the ecological value of the allotment area to the west of the former lawns and north of Avenue Lodge is limited. Notwithstanding that this area has experienced less cultivation since 2016 and is currently part of the wider undeveloped area, there is insufficient evidence to justify including this area as part of the designated OSNI.
144. Elsewhere the wider garden area is clearly a well-established and largely undeveloped space. Whilst the data on the range of site species is somewhat limited, I note that the orchard area is listed as Priority Habitat – Traditional Orchards, that there are some clear records of protected species and that the Council's ecologist considers the site does have value as part of a wider ecological network with which, mindful of all evidence and my site inspection, I agree. Based on the totality of the available evidence, and with due regard to Table 1 of the Rebuttal, the Council's OSNI designation is currently justified as far as it relates to the northern half of the site. For reasons of justification the site allocation should be modified accordingly (**MM23**).
145. Overall and as modified, the site allocation is justified by the evidence base and of sufficient detail so as to be effective in delivery.

*SA 19 Richmond Station, Richmond*

146. Richmond Station is a Building of Townscape Merit and a key part of the local transport infrastructure. The site allocation seeks to bring forward an improved transport interchange and the inclusion of retail and employment floorspace as part of a comprehensive redevelopment. As such I am satisfied that the Local Plan recognises adequately the heritage designations which affect the site and that they will be key considerations for any redevelopment proposal.
147. The Council anticipates a relatively high provision of new floorspace for a mix of uses. Whilst I heard some uncertainty expressed at the feasibility of delivering such aspirations within the constraints of the site, there is no specific evidence which indicates that a suitable redevelopment scheme would not be capable of being brought forward. The Council's existing development brief dates from 2002 yet nevertheless provides some useful context for any future redevelopment, highlighting issues which include operational constraints and townscape analysis. The potential effect of retail development on the existing town centre will require assessment but in light of the needs identified within the Council's Retail Needs Assessment and mindful of the operation of the Local Plan policies as a whole, I have no reason to consider the approach unsustainable or unjustified.
148. Despite the absence of any specific capacity analysis, the aspirations for the site contained within SA 19 are supported adequately by the available evidence and I have no reason to consider, in the knowledge of ongoing discussions between the Council and those with site interests, that the site is not capable of being effectively delivered during the plan period.

*SA 20 Friars Lane Car Park, Richmond*

149. The car park is within the Council's ownership. Notwithstanding its age, the Friars Lane Car Park Planning Brief SPD of 2006 provides some context for its potential redevelopment during the course of the plan period. The combination of the SPD and the text of the allocation make clear reference to the constraints of the site and the need to ensure any redevelopment accounts for its context appropriately. This will enable any planning proposal that emerges to be considered with a degree of effective flexibility which will take account of issues such as site capacity and building heights. The allocation is justified by the evidence base and capable of effective delivery.

*SA 22 Pools on the Park and surroundings, Old Deer Park, Richmond*

150. The evidence base indicates that the facility at Pools on the Park is ageing with a consequent need for maintenance and upgrading. The evidence also supports the acknowledgement within the Local Plan that the pools complex is a designated heritage asset and is a valued community asset. Consequently, the site allocation provides a flexible approach to development and works that may affect the site, supporting the continued use of the site for sports uses whilst potentially enabling additional leisure, community and complementary uses as appropriate. Subject to a modification to ensure that the significance of the heritage assets is recognised adequately (**MM23**), I find that the allocation is justified and capable of effective implementation.

*SA 23 Richmond Athletic Association Ground, Old Deer Park, Richmond*

151. The Richmond Athletic Association Ground is recognised as an important asset to the community. The Council supports the principle of improvement and an upgrading of facilities to support sports uses. The site allocation indicates that additional associated leisure facilities and other complementary uses could be incorporated to meet identified needs. Whilst there are limited details as to what such items could be, this does not undermine the justification of the allocation and its supporting text which identifies adequately the presence and importance of both the use of the site as a sports ground, the existence of MoL and a range of heritage assets. The allocation is justified adequately by the available evidence albeit a modification is required for reasons of effectiveness to ensure that proposals are justified to their context (**MM23**).

*SA 24 Stag Brewery, Mortlake - is the allocation justified by the evidence base with due regard to alternatives and in particular:*

- *The accessibility of the site;*
- *The need for a secondary school;*
- *The capacity of the site for mixed use development including housing;*
- *The presence and use of the sports field;*
- *The presence of heritage assets;*
- *The deliverability of the redevelopment*

152. The Stag Brewery site is the largest allocated site within the Local Plan. I am mindful of the level of interest shown in its potential redevelopment for a range of uses, both at the Local Plan consultation stage and during the course of the Examination.
153. The Council has worked with the local community in the previous preparation of a Planning Brief for the site which it adopted as SPD in 2011 (PS-095). This included an analysis of the site and its context whilst identifying a range of key issues and principles for any redevelopment scheme which would deliver on the adopted vision for a new village heart and a high quality mix of uses. The Council's allocation in the Local Plan contains updates on this previous situation. I heard from the Council that the SPD will remain in force, subject to the updates reflected in the Local Plan concerning the playing fields and the provision of a school. I recommend the Council's suggested change in this regard which provides additional and necessary clarity to the Plan as a consequence (**MM 23**).
154. I am aware that separate to the Local Plan Examination process, parallel discussions are ongoing between the Council and the site owners to bring forward a planning application. For the avoidance of doubt, I am obliged to consider the soundness of the Local Plan and its policies and, in this instance, not the possible future detail of any forthcoming application.
155. In terms of accessibility, the site is bordered by the Thames to the north and has a railway line to the south. It is situated in an area with a relatively low level of public transport access. The transport issues affecting the site are various and include limitations within the existing road and rail network capacity. Based upon the available evidence, it is clear that the format and scale of any redevelopment will need to be informed by further detailed analysis of the transport infrastructure. This would need to include consideration of the highway and rail safety implications of servicing the site.
156. To this end, I have noted the outcome of the traffic survey conducted on behalf of the Community Association and the Mortlake Level Crossing Risk Assessment. Whilst I am mindful of this work, I am also alert to the history of the site both in its former use and aspirations emerging in previous planning documents. The available evidence supports the Council's allocation. In broad terms the development management process provides an opportunity for the application of the totality of the relevant development plan policies and the consideration of, for example, detailed transport assessments in conjunction with the input of parties such as Transport for London. Based on the evidence available to me, including the 2011 SPD, the previous use of the site and the recognition that the site should contribute to the needs of the community and the Borough, the accessibility issues affecting the site are not evidenced as being of an insurmountable magnitude that would demonstrate that the intentions of SA 24 are not robust or capable of effective delivery.
157. The Council has identified that the site should deliver a new 6 form entry secondary school and this has generated considerable public interest. Whilst previously the site was intended to deliver a primary school, the Council's evidence, including its School Places Strategy and its Hearing statement, explains why a secondary school is needed in the eastern part of the Borough and how the site is considered able to deliver such a provision. The evidence



explains why a lower alternative form entry would not be appropriate and does consider and explain why alternative sites for such a school, for example at Barn Elms Playing Fields and elsewhere, are not preferred. Whilst I have noted the range of alternatives put forward, I am satisfied that the Council has explained adequately why its submitted approach is to be preferred and I have no reason to draw a different conclusion.

158. The site is relatively extensive in its scale. As worded, the submitted allocation does not provide a specific indication of its capacity to deliver the mix of uses envisaged including, for example, the level of housing. Whilst this does not provide prescriptive clarity of how any redevelopment may come forward, the SPD provides some analysis of the site context which indicates the feasibility of a mixed use scheme. Evidently there have been some changes in the intentions for the site since 2011, for example in terms of the school and as may affect the playing fields, but there is no doubt to my mind that the allocated site remains capable of delivering the ambitions of the allocation. Once again, it will be for the Council to work with all interested stakeholders to ensure the balance of any redevelopment scheme and its mix of uses across the site is appropriate. I have no reason to consider the site is not capable of delivering its intentions.
159. The Local Plan allocation includes the phrase '*...the retention and/or re-provision and upgrading of the playing field*'. To clarify its position and in association with Sport England, the Council has suggested adding further text confirming that any such re-provision would be on site. It is clear that despite the private ownership of the existing fields, arrangements have enabled their use for general public benefit. The site allocation recognises the value of the playing field and the role of sport and leisure uses within the locality. I am satisfied that the wording of the allocation is supported by evidence in this regard albeit also recognise that the precise formulation of the retained/re-provided space will be a matter of detailed interest to those affected by future development proposals. There is no clear reason to consider that this cannot be managed adequately through the normal development management processes.
160. The Framework identifies that a LGS designation will not be appropriate for most green areas or open space. I am mindful of the Council's criteria for LGS and the evidence submitted (see earlier in this report), including that from interested residents and the Council. I conclude that there is insufficient robust evidence that suggests any part of the Stag brewery site should be designated as LGS at this moment in time. The extant areas of OOLTI as referenced in the SPD remain applicable.
161. The site allocation recognises the heritage assets of the site and its surrounds adequately, for example the Buildings of Townscape Merit, the Mortlake Conservation Area and archaeological interests. The 2011 SPD reinforces this position. I have noted the Statement of Common Ground with Historic England and am satisfied that these issues are appropriately reflected in the submitted Plan.
162. Whilst it is clear that the site has been a matter of local interest for several years, the brewing operations have ceased and further discussions with those with site interests are continuing. I have no reason to consider that the site is

not capable of delivery in line with the aspirations of the Council. The site offers considerable opportunities for contributing positively to the needs of the Borough and it will be incumbent upon the Council to continue its work with all interested parties to bring this site forward in an acceptable manner as envisaged by the Plan and as supported by the SPD. A number of modifications are necessary to the allocation to ensure that it is clear and thereby effective, in relation to the mix of uses, the playing field, air quality, transport, the existing SPD and heritage assets (**MM23**). Overall, the site allocation is justified by the evidence base.

*SA26 Kew Biothane Plant, Kew*

163. A proportion of the site is designated as MoL. While its previous main use for the processing of brewing effluent has ceased, the MoL designation does not of itself unduly limit redevelopment when a significant proportion of the site is not so designated. The Council has determined that housing is a potential suitable use with regard to alternatives and, mindful of the SA and all other evidence, I have no reason to disagree.

*SA 28 Barnes Hospital, East Sheen*

164. The Council is working in partnership with relevant stakeholders to deliver a form of redevelopment for this site which encompasses the range of needs identified justifiably within the policy itself. The Council has confirmed that instead of a two form primary school the site will now incorporate a school for those with special educational needs. Based on the Council's evidence, I consider that this is a modification necessary for clarity and effectiveness (**MM 23**).

165. I note that the site is constrained in terms of its physical boundaries and accessibility but given the needs within the Borough, the previous use and the intended form of redevelopment, I have no reason to conclude that the flexible wording within SA 28, with an emphasis on the provision of social and community infrastructure, is not justified adequately or capable of effective implementation.

166. The site allocation is justified by the evidence base and of sufficient detail so as to be effective in delivery.

*Conclusion on Issue 8*

167. Overall and subject to the MMs, the Site Allocations are justified by the evidence base and of sufficient detail so as to be effective in delivery.

## **Public Sector Equality Duty**

168. I am mindful of the Council's Equalities Impact Assessment and the way in which the Council intends to proceed in relation to all matters including the provision of homes for all sectors of the community and their accessibility (eg Policies LP 28, 35, 38 et al). I have had due regard to the provisions of Equality Act 2010 in reaching my conclusions.

## **Assessment of Legal Compliance**

169. My examination of the compliance of the Plan with the legal requirements is summarised below. I conclude that the Plan meets them all.
170. My examination of the legal compliance of the Plan is summarised below.
171. The Local Plan has been prepared in accordance with the Council's Local Development Scheme of January 2017.
172. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI). The SCI was adopted in June 2006 and has been subject to updates via addenda in 2009 and 2015. Consultation on the Local Plan and the MMs has complied with its requirements.
173. Sustainability Appraisal has been carried out and is adequate.
174. The Habitats Regulations Assessment Report December 2016 sets out that the Plan may have a significant effect on the integrity of nearby European sites due to air pollution although this was uncertain. An Appropriate Assessment was undertaken which concluded that the integrity of such sites would not be adversely impacted. Natural England support this and I agree.
175. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
176. The Local Plan is in general conformity with the spatial development strategy, The London Plan.
177. The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

178. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the London Borough of Richmond Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Andrew Seaman*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.



## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

[illegible]

Policy Section or heading	Page / Paragraph	Proposed Change
		in <u>neighbourhood plans</u> , such as in the emerging Ham and Petersham Neighbourhood Plan), maintain and enhance our open spaces as well as our heritage, achieve high levels of sustainability and ensure all communities have access to housing, employment opportunities, services and facilities.
Local Character and Design Quality	p.28 Policy LP1	Amend the last paragraph of part A. of the policy LP1 to read:  "All proposals, including extensions, alterations and shop fronts, will be assessed against <u>the policies contained within a neighbourhood plan where applicable, and</u> the advice set out in the relevant Village Planning Guidance and other SPDs relating to character and design."
MM2 Heritage Matters		
Strategic Vision	p.12 paragraph: 2.2.1	Section 1 of the Local Plan Strategic Vision (Page 12, paragraph 2.2.1) to read as follows:  <u>"Heritage assets including listed buildings and Conservation Areas , historic parks,</u> as well as Royal Botanic Gardens, Kew World Heritage Site ..."
Local Character and Design Quality	p.28 Policy LP 1	Change last sentence of LP 1 Part B as follows: "In sensitive areas, <u>such as Conservation Areas and relevant Character Areas as identified in the Village Planning Guidance SPDs,</u> rigid and gloss finish blinds will generally be unacceptable."
Designated Heritage Assets	p.33 Policy LP 3	Paragraph A. "The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. <u>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.</u> The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, Listed Buildings, Scheduled Monuments as well as the Registered Historic Parks and Gardens will be conserved and enhanced by the following means: "
Designated Heritage Assets	p.33 Policy LP 3	<i>Point 2.</i> "Consent for demolition of Grade II Listed Buildings will only be granted in exceptional circumstances and for Grade II* and Grade I Listed Buildings in wholly exceptional circumstances following a thorough assessment of <del>their</del> <u>the justification for the proposal and the significance of the asset.</u> "
Designated Heritage Assets	p.34 Policy LP 3	Insert 2 further points under Section A of Policy LP 3 <u>"8. Protect and enhance the borough's registered Historic Parks and Gardens by ensuring that proposals do not have an adverse effect on their significance,</u>

Policy Section or heading	Page / Paragraph	Proposed Change
		<p><u>including their setting and/or views to and from the registered landscape.</u></p> <p><u>9. Protect Scheduled Ancient Monuments, including their settings, by ensuring proposals do not have an adverse impact on their significance."</u></p>
Designated Heritage Assets	p.34 Policy LP 3	<p>Amend criterion agreed as part of Statement of Common Ground as follows and update previous change in row above (formerly referred to as PE/LP3/3):</p> <p><u>"9. Protect Scheduled Ancient Monuments, including their settings, by ensuring proposals do not have an adverse impact on their significance."</u></p>
Designated Heritage Assets	<p>p.33 Policy LP 3</p> <p>Paragraph 4.3.9</p>	<p>Minor amendments to Part A as follows:</p> <p>"3. Resist the change of use of <del>L</del>isted <del>B</del>uildings where <del>their significance would be harmed this would materially harm their character and distinctiveness</del>, particularly where the current use contributes to the character of the surrounding area and to its sense of place.</p> <p>Amend the first sentence of paragraph 4.3.9 of the supporting text as follows:</p> <p>4.3.9 Listed <del>B</del>uildings are best used for their original purpose and therefore the Council will resist the change of use of a <del>L</del>isted <del>B</del>uilding where this would <del>materially</del> harm its <u>significance in relation to heritage interest and</u> character <del>and distinctiveness</del>. ...."</p>
Non-Designated Heritage Assets	p.36 Policy LP 4	<p>Move the following policy text into the supporting text at a new paragraph after paragraph 4.4.3:</p> <p>"4.4.4 Applicants will be required to:</p> <ol style="list-style-type: none"> <li>1) retain the character of Buildings of Townscape Merit, war memorials and any other non-designated heritage assets;</li> <li>2) submit a Heritage Statement to assess the potential harm to, or loss of, the significance of the non-designated heritage asset, including from both direct and indirect effects;</li> <li>3) describe the significance of the non-designated heritage asset affected, including any contribution made by their setting; the extent of the relevant setting will be proportionate to the significance of the asset. Appropriate expertise should be used to assess a non-designated heritage asset; and</li> <li>4) retain or restore the structures, features and materials of the asset, which contribute to its architectural integrity and historic interest. "</li> </ol>

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Views and Vistas	p.37 Policy LP 5	<p>In criterion 5., change as follows:</p> <p><u>"Seek improvements to views, vistas, gaps and the skyline, particularly where views or vistas have been obscured will be encouraged where appropriate."</u></p> <p>Amend criterion 6. c. of policy LP 5 as follows:  <u>"are affected by development on sites within the setting of, or adjacent to, conservation areas and listed buildings."</u>  <del>"affect the setting of and from development on sites adjacent to Conservation Areas and Listed Buildings."</del></p>
MM3 Housing		
New Housing	p.118 LP 34 Paragraph 9.1.4	<p>Amend para as follows:</p> <p>This is reflected in the broad expected pattern of future housing land supply set out in <del>the policy LP34.B</del> <u>which sets out indicative ranges for the broad areas and are not to be regarded as any lower or upper limit, as the overall target is to be exceeded.</u></p>
	9.1.1	<p>Add to para as follows:</p> <p><u>The Council will, as necessary, undertake a full or partial review of the Local Plan in light of the content of any new adopted London Plan which will include an assessment of its identified constraints and opportunities affecting housing delivery.</u></p>
Housing Mix and Standards	p.119 LP 35 Paragraph 9.2.2	<p>Amend the last sentence in Part A to read:  ... The housing mix should be appropriate to the <u>site-specifics of the</u> location.</p> <p>Amend the last sentence in paragraph 9.2.2 to read:  ... <u>To accord with LP35.A the appropriate mix should be considered on a site by site basis having regard to...</u></p>
Housing Mix and Standards	LP 35	<p>Amend Part C:</p> <p>C. All new housing development, including conversions, <del>are required to comply with the Council's-</del> <u>should provide adequate</u> external space standards. <del>For houses a minimum total private space of 70sqm for 3 or more beds and 40sqm for 2 beds should be provided. To provide adequate private amenity space for flats, a minimum of 5sqm of private outdoor space for 1-2 person dwellings should be provided and an extra 1sqm should be provided for each additional occupant.</del> Purpose built, well designed and positioned balconies or terraces are encouraged where new residential units are on upper floors, if they comply with policy LP8 Amenity and Living Conditions. <u>Regard should be had to the Council's Residential Development Standards SPD as appropriate.</u></p>



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Affordable Housing	p.121 LP 36	Amend Part A.a to read: a) 50% of all housing units will be affordable housing, <del>with this 50% will comprise</del> a tenure mix of 40% <u>of the affordable</u> housing for rent and 10% <u>of the affordable</u> intermediate housing.
Affordable Housing	p.123 LP 36 Paragraph 9.3.2	Amend Part B to read: B. A contribution towards affordable housing will be expected on all housing sites. <u>The following requirements apply:</u>  a) <u>on all former employment sites at least 50% on-site provision. Where possible, a greater proportion than 50% affordable housing on individual sites should be achieved.</u> b) on <u>all other</u> sites capable of ten or more units gross <del>and all former employment sites</del> , at least 50% on-site provision. Where possible, a greater proportion than 50% affordable housing on individual sites should be achieved. c) <del>bc.</del> on sites below the threshold of 'capable of ten or more units gross', a financial contribution to the Affordable Housing Fund commensurate with the scale of development, in line with the sliding scales set out below and in the Affordable Housing SPD.  Amend fourth sentence in paragraph 9.3.2 to read: <u>A flowchart to follow, setting out the policy requirements and the mechanism for assessing the contributions from individual sites, is set out in the Affordable Housing SPD</u>
Affordable Housing	p.122 LP 36	Amend Part C to read: C. <u>In accordance with A and B,</u> <del>The Council will seek</del> the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes.  Amend Part D to read: D. Where a reduction to an affordable housing contribution is sought <u>from the requirements in A and B</u> on economic viability grounds
Infill, Backland and Backgarden Development	p.129 LP 39	Amend Part A criteria (10) to read: 10. Result in no <u>unacceptable</u> <del>adverse</del> impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.  Amend Part B third sentence to read: In <del>exceptional</del> <u>some</u> cases <del>where it is considered that</del> a limited scale of back garden development may be <u>considered</u> acceptable <del>it should not have a significantly adverse impact upon</del> <u>if it complies with</u>

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		the factors set out in <u>A</u> above. Development on back garden sites must be more intimate in scale and lower than frontage properties.
MM4 Building Heights		
Building Heights	p.31 Policy LP 2	Amend as follows: "The Council will require new buildings, <u>including extensions and redevelopment of existing buildings</u> , to respect and strengthen the setting of the borough's valued townscapes and landscapes, through appropriate building heights, by the following means..."
Building Heights	p.31 Policy LP 2	Amend criterion 1 as follows:  1. require buildings to make a positive contribution towards the local character, townscape and skyline, generally reflecting the prevailing building heights within the vicinity; <u>proposals that are taller than the surrounding townscape have to be of high architectural design quality and standards, deliver public realm benefits and have a wholly positive impact on the character and quality of the area;</u>  Delete criterion 6: 5. refrain from using height to express and create local landmarks; <u>and</u> <del>6. resist buildings that are taller than the surrounding townscape other than in exceptional circumstances, such as where the development is of high architectural design quality and standards, delivers public realm benefits and has a wholly positive impact on the character and quality of the area; and</del> <del>7.6.</del> require full planning applications for any building that exceeds the prevailing building height within the wider context and setting.
MM5 Amenity		
Amenity and Living Conditions	P41. Policy LP 8	Delete the following text from policy: <del>ensure there is a minimum distance of 20 metres between main facing windows of habitable rooms (this includes living rooms, bedrooms and kitchens with a floor area of 13sqm or more) to preserve the privacy of existing properties affected by the new development;</del>
Amenity and Living	p.41 Policy LP 8	Replace " <del>expected to comply with...</del> " with " <u>expected to have regard to the guidance set out within the</u>

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Conditions		Council's..."
Amenity and Living Conditions	p.42 Paragraph 4.8.8	<p>Amend paragraph 4.8.8 to read:</p> <p>Whilst there will be some impact from any new development, the test is one of harm in relation to the impact on habitable rooms, which includes all separate living rooms and bedrooms, plus kitchens with a floor area of 13sqm or more. The minimum distance <u>guideline</u> of 20 metres between habitable rooms within residential development is for privacy reasons; a greater distance may be required for other reasons, or a lesser distance may be acceptable in some circumstances. <u>These numerical guidelines should be assessed on a case by case basis, since privacy is only one of many factors in site layout design; where the established pattern of development in the area (layout and height) may favour lesser distances.</u> The distance of 20 metres is generally accepted as the distance that will not result in unreasonable overlooking. Where principal windows face a wall that contains no windows or those that are occluded (e.g. bathrooms), separation distances can be reduced to 13.5 metres. <u>Where the impact of a building is on another within the same development site, measures can also be applied to minimise overlooking, such as splays, angles of buildings, obscure glazing etc. A Supporting Planning Statement should set out justification for a reduction in these distances.</u></p>
MM6 Environmental Matters		
Local Environmental Impacts, Pollution & Land Contamination	p. 44 Policy LP 10	<p>Delete 'where practicable' from LP 10, Part B, and insert 'secure at least':</p> <p>"Developers should <del>commit to</del> <u>secure at least</u> 'Emissions Neutral' development <del>where practicable</del>."</p>
Local Environmental Impacts, Pollution and Land Contamination	p.45 Paragraph 4.10.5	<p>Insert within paragraph 4.10.5 the following:</p> <p>"The whole of the borough has been declared as an Air Quality Management Area (AQMA) and as such any new development and its impact upon air quality must be considered very carefully. <u>Strict mitigation will be required for any developments proposed within or adjacent to 'Air Quality Focus Areas'.</u> An 'Air Quality Focus Area' <u>is a location that has been identified as having high levels of pollution (i.e. exceeding the EU annual mean limit value for nitrogen dioxide) and human exposure. Air Quality Focus Areas are designated by the Greater London Authority.</u> The</p>

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		Council will consider the impact of introducing new developments to areas already subject to poor air quality, and the impact on the new occupiers of that development, especially in sensitive uses such as schools."
Local Environmental Impacts, Pollution and Land Contamination	p.45 Policy LP 10	Amend last sentence of LP 10 as follows:  <u>Where applicable and considered necessary, the Council will may seek a bespoke charge specific to the proposal to cover the cost of monitoring the CMS; a discount may be applied if the applicant/developer uses the Council's Building Control services.</u>
MM7 Green Infrastructure		
Green Infrastructure	p.52 paragraph 5.1.1	Add a cross reference to Chapter 4 after the 2 <sup>nd</sup> sentence of paragraph 5.1.1 as follows:  <u>"The need to protect the historic significance of the borough's exceptional landscapes is set out in Chapter 4: Local Character and Design."</u>
Green Infrastructure	p.55 Policy LP 13	Omit the criteria of Part B of LP 13.  B. It will be recognised that there may be exceptional cases where inappropriate development, such as small scale structures <u>for essential utility infrastructure</u> , may be acceptable, <del>but only if it:</del> 1. <del>Does not harm the character and openness of the Green Belt or Metropolitan Open Land;</del> and 2. <del>Is linked to the functional use of the Green Belt or Metropolitan Open Land, or supports outdoor open space uses; or</del> 3. <del>Is for essential utility infrastructure and facilities for which it needs to be demonstrated that no alternative locations are available and that they do not have any adverse impacts on the character and openness of the Green Belt or Metropolitan Open Land.</del>  Amend supporting text as required at para 5.2.4
	P 56 Para 5.2.8	Amend para to read:  5.2.8 Local Green Space, <del>as to be</del> identified on the Proposals Map, is green or open space which has been demonstrated to have special qualities and hold particular significance and value to the local community which it serves. <u>New areas of Local Green Space can only be designated when a plan is being prepared or reviewed.</u>
	5.2.10	<u>Delete last three bullet points of para 5.2.10</u>



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MM 8 Open Space		
Other Open Land of Townscape Importance	p.57 Paragraph 5.3.1	Amend paragraph 5.3.1 as follows:  "The purpose of this policy is to safeguard open land of local importance and ensure that it is not lost to other uses without good cause. Areas designated as Other Open Land of Townscape Importance (OOLTI) form an important part of the multi-functional network of Green Infrastructure and they can include public and private sports grounds, school playing fields, cemeteries, allotments, private gardens, areas of vegetation such as street verges and mature trees. <u>New areas for OOLTI designation can only be identified when a plan is being prepared or reviewed.</u> The <del>existing</del> designated areas are shown on the <del>Proposals Policies</del> Map."
Other Open Land of Townscape Importance	p.57 Paragraphs 5.3.3 and 5.3.5	Delete paragraphs 5.3.3 and 5.3.5 of the supporting text of the OOLTI policy as follows: <del>5.3.3 This policy can also apply to other open or natural areas that are not designated, but which are considered to be of local value, and therefore merit protection.</del> <del>5.3.5 This policy can also apply to other open or natural areas that are not designated, but which are considered to be of local value, and therefore merit protection.</del>
Other Open Land of Townscape Importance	p.57 Paragraph 5.3.4	Add to the last bullet point the following: Value for biodiversity and nature conservation <u>and meets one of the above criteria.</u>
MM9 River Corridors		
River Corridors	p.64 Policy LP 18	The following change is proposed to LP18:  - Public Access C. c. to read as follows: "Provide new public access to the riverside <del>and the foreshore</del> where possible, <u>and maintain existing points of access to the foreshore subject to health and safety considerations.</u> There is an expectation that all major development proposals adjacent to the borough's rivers shall provide public access to the riverside <del>and foreshore.</del> "
River Corridors	p.64 Policy LP 18	The Council to consider adding a new criterion C.d. to read as follows: " <u>Provide riparian life-saving equipment where required and necessary.</u> "
MM10 Climate Change		
Flood Risk and Sustainable	p.73 Policy LP21	Section B Basements and subterranean developments, 2 <sup>nd</sup> row of table

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Drainage		<p>"In areas of Extreme, Significant and Moderate Breach Hazard (as set out in the Council's SFRA):  New basements: restricted to Less Vulnerable / Water Compatible use only."  add after – " 'More Vulnerable' uses will only be considered if a site-specific Flood Risk Assessment demonstrates that the risk to life can be managed. <u>Bedrooms at basement level will not be permitted.</u>"  - add after "'Highly Vulnerable' <u>such as self-contained basements/bedrooms</u> uses will not be permitted."</p>
Flood Risk and Sustainable Drainage	P.73 Policy LP21	<p>Section B. Basements and subterranean developments, 2<sup>nd</sup> row of table, amend as follows:  "In areas of Low or No breach Hazard (as set out in the Council's SFRA):  New basements: if the Exception Test (<u>where applicable</u>) is passed, basements may be permitted for residential use where they are <u>not</u> self-contained or used for bedrooms.</p>
Flood Risk and Sustainable Drainage	p.73 Policy LP21	<p>Section B. Basements and subterranean developments , 3<sup>rd</sup> row of table concerning Flood Zone 2, amend as follows:  New basements: if the Exception Test (<u>where applicable</u>) is passed, basements may be permitted for residential use where they are <u>not</u> self-contained or used for bedrooms.</p>
Flood Risk and Sustainable Drainage	p.75 Flood Risk Assessments paragraph: 6.2.8	<p>Add after paragraph 6.2.8: <u>"All new development needs to take account of the latest climate change allowances. This should be included as part of the Flood Risk Assessment process. This will help minimise vulnerability and provide resilience to flooding in the future."</u></p>
Flood Risk and Sustainable Drainage	p.72 Policy LP 21	<p>Amend second paragraph of LP 21 as follows:    In Flood Zones 2 and 3 <del>areas at risk of flooding</del>, all proposals on sites of 10 dwellings or more or 1000sqm of non-residential development or more, or on any other proposal where safe access/egress cannot be achieved, a Flood Emergency Plan must be submitted."</p>
MM11 Sustainable design and construction		
Sustainable design and construction	p.78 Policy LP22	<p>Replace <del>"to comply with..."</del> with "to complete..." in Policy LP 22 Part A. point 1 to read: "Development of 1 dwelling unit or more, or 100sqm or more of non-residential floor space (including extensions) will be required <del>to comply with</del> <u>to complete</u> the Sustainable</p>

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		Construction Checklist SPD. A completed Checklist has to be submitted as part of the planning application.
Sustainable design and construction	p.79 Policy LP22	Replace " <del>to comply with...</del> " with " <u>to complete and submit...</u> " in Policy LP 22 Part E. 2 <sup>nd</sup> sentence to read: "Householder extensions and other development proposals that do not meet the thresholds set out in this policy are encouraged <del>to comply with</del> <u>to complete and submit</u> the Sustainable Construction Checklist SPD as far as possible, and opportunities for micro-generation of renewable energy will be supported in line with other policies in this Plan."
Sustainable design and construction	p.79 Policy LP22	Amend Part B criterion 3 to read: 3. All <del>major</del> non-residential buildings <u>over 100sqm</u> should achieve a 35% reduction. From 2019 all major non-residential buildings should achieve zero carbon standards in line with London Plan policy.
MM12 Waste Management		
Waste management	p.85 Policy LP 24	Amend Policy LP24 point 1 as follows: "All developments, including conversions and changes of use are required to provide adequate refuse and recycling storage space and facilities, which allows for ease of collection and which residents and occupiers can easily access, in line with the <u>guidance and advice set out in</u> the Council's SPD on Refuse and Recycling Storage Requirements."
Waste management	p.86 Paragraph 6.5.3	Amend paragraph 6.5.3 to read: "This policy ensures that all development proposals provide adequate refuse and recycling storage space and facilities to serve new developments, in line with <u>the guidance and advice set out in</u> the Council's SPD on Refuse and Recycling Storage Requirements."
Waste management	p.86	Add new paragraph after paragraph 6.5.6 as follows: <u>The existing waste management sites as set out in Appendix 2 of the West London Waste Plan were identified at a snapshot in time. This list can be revised. New waste sites, permissions and licences may be granted by the Council or Environment Agency. The Council carries out regular monitoring of existing waste sites, the results of which, including maps of operational sites, are published as part of the Authority's Monitoring Report.</u>
MM13 Borough Centres		
Development in Centres	p.88 LP 25	Add comma to LP 25.A.3 to read: .... For retail developments, including extensions, of over 500sqm gross, the Council will require a Retail Impact Assessment. ...

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Retail	<p>p.97 Policy LP 26 F</p> <p>p.99 Policy LP 27 A.3</p> <p>Policy LP 27 B</p>	<p>F. Where a proposal involves a change of use not supported by policy, the Council will require satisfactory evidence of full and proper marketing of the site <del>for at least 2 years</del>. The applicant will <u>be expected</u> <del>need</del> to undertake marketing in line with the requirements set out in Appendix 5.</p> <p>3. The Council will require satisfactory evidence of full and proper marketing <del>for a minimum of 2 years</del> where a proposal does not meet the above criteria. The applicant will <u>be expected</u> <del>need</del> to undertake marketing in line with the requirements set out in Appendix 5.</p> <p>B. The Council will resist the loss of public houses. Before accepting the loss of any public house the Council requires satisfactory evidence of full and proper marketing normally for at least 2 years for a full range of appropriate uses (see policy LP 28 Social Infrastructure). The applicant will <u>be expected</u> <del>need</del> to undertake marketing in line with the requirements set out in Appendix 5.</p>
MM14 Community Facilities		
Social and Community Infrastructure	p. 104	<p>Add a new paragraph after 8.1.8 to read: <u>The Council's Indoor Sports Facility Needs Assessment highlights the need for new facilities within the borough. Where possible and feasible, such provision should be provided on-site in line with the Council's Indoor Sports Facility Needs Assessment.</u></p> <p>Add a new paragraph after 8.1.10 to read: <u>Proposals that could result in the loss of an existing indoor sport facility will also be assessed against the Council's Indoor Sports Facility Needs Assessment and the criteria as set out in the NPPF. Early engagement with Sport England is encouraged where a proposal affects an existing indoor sport facility.</u></p>
MM15 Education and Training		
Education and Training – Local Employment Agreements	p.107 LP 29 Paragraph 8.2.14	Add after first sentence: ... <u>Securing the skills to support residents into sustainable employment is a key priority for the Council to support the local economy, to raise the bar further for those with higher levels of skills than London averages and make sure some residents with lower skills are not missing out economically.</u> ...
Education and Training –	p.107 LP 29	Add to end of paragraph 8.2.15: ... <u>Such an agreement can make use of existing</u>



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Local Employment Agreements	Paragraph 8.2.15	<p><u>schemes, such as Way2Work, Construction Training Initiative, schemes run by Registered Providers and developers, provided these manage the development related job opportunities.</u></p> <p><u>The details of the LEA will be subject to negotiation, tailored to site specific circumstances and proportionate to the scale of development proposed, and require developers to use reasonable endeavours to incorporate in their relevant contracts. The contents are expected to cover:</u></p> <ul style="list-style-type: none"> <li><u>• Forecasting of job opportunities</u></li> <li><u>• Notification of job vacancies</u></li> <li><u>• Local labour target</u></li> <li><u>• Jobs brokerage and skills training</u></li> <li><u>• Apprenticeships and work experience</u></li> <li><u>• Use of local suppliers</u></li> <li><u>• Delivery of specific LEA targets.</u></li> </ul> <p><u>A developer can set out justification as to why it may not be possible to deliver any of the requirements highlighted. Further guidance to assist implementation will be provided in a forthcoming SPD.</u></p>
MM16 Health and Well Being		
Social and Community Infrastructure and Health and Wellbeing	<p>p.104 LP 28 Paragraph 8.1.10</p> <p>p.111 LP 30 Paragraph 8.3.17</p>	<p>Amend paragraph 8.1.10 point (1): ... Where the application relates to the loss of a health facility, <u>the requirements of LP 30 will also need to be addressed and written agreement from the Richmond Clinical Commissioning Group, NHS England or other relevant health body must be provided...</u></p> <p>Add to end of paragraph 8.3.17 to read: .... Applications for new or loss of health and social care facilities will be considered in line with the criteria of policy LP 28 in 8.1 'Social and Community Infrastructure' <u>and paragraph 8.1.10 sets out that written agreement of the relevant health body must be provided to assess the loss of any existing health facilities.</u></p>
Health and Wellbeing	p.108 Policy LP30	add new point 7. within main policy section A under point 6. to read as follows: <u>"7. Active Design which encourages wellbeing and greater physical movement as part of everyday routines."</u>
Health and Wellbeing	p.108 Policy LP 30	<p>Amend LP 30 B. bullet point 2:</p> <p>The Council will <u>manage</u> <del>refuse</del> proposals for new fast food takeaways (A5 uses) located within 400 metres of the boundaries of a primary or secondary school in order to <u>promote the availability of healthy</u> <del>restrict the availability of unhealthy</del> foods.</p>



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MM17 Open Space and Recreation		
Public Open Space, Play Space, Sport and Recreation	p. 111 Policy LP31	Amend first sentence of Part B as follows: "B. The Council will require all major development proposals in the borough to meet the Public Open Space, <del>and</del> play space, <u>and playing fields and ancillary sport facilities</u> needs arising out of the development by requiring the following:"
Public Open Space, Play Space, Sport and Recreation	p. 111 Policy LP31	Add new criterion 3 of Part B as follows:  <u>"3. Playing fields and sport facilities:</u> <u>Applicants should assess the need and feasibility for on-site provision of new playing fields and ancillary sport facilities in line with the borough's Playing Pitch Strategy."</u>
Public Open Space, Play Space, Sport and Recreation	p. 111 Policy LP31	Amend criterion 3 of Part B as follows:  <del>3-4.</del> <u>Where on-site provision of Public Open Space, <del>or</del> play space or new playing fields and ancillary facilities</u> is not feasible or practicable, the Council will expect existing surrounding facilities and spaces to be improved and made more accessible to the users and occupiers of the new development through, for example, improved walking and cycling links or enhancements of play space <u>or existing playing fields and associated sport facilities</u> . Financial contributions will be required to either fund off-site provision, or improvements and enhancements of existing facilities, including access arrangements, to mitigate the impacts of new development."
MM 18 Employment		
Employment and local economy	p.132 Policy LP 40	Rewording of criterion 4 to read as follows:  <u>4. In exceptional circumstances, Mixed use development proposals which come forward for specific employment sites</u> should retain, and where possible enhance, the level of existing employment floor space. The inclusion of residential use within mixed use schemes will not be appropriate where it would <del>be incompatible with, or adversely</del> impact on, the continued operation of other established employment uses within that site or on neighbouring sites.
MM 19 Offices		
Offices	p.133 Policy LP 41	Amend 2b of Part A to read as follows:  2b) Mixed use including other employment generating or community uses. <del>Such sites should</del> <u>and residential</u>

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		<u>which maximises</u> the amount of affordable housing provided as part of the mix; ....
Offices	p.133 Policy LP 41	C. In the designated Key Office Areas, as shown on the <del>Proposals</del> Policies Map, net loss of office floorspace will not be permitted. Any development proposals for new employment or mixed use floorspace <u>should</u> <del>will be required to</del> contribute to a net increase in office floorspace <u>where feasible</u> . Criteria 1 and 2 in A (above) do not apply to the Key Office Areas areas.
Offices	p.134 Policy LP 41	Amend criterion 5 of Part D to read as follows: 5. The Council will require the provision of affordable office space within all major developments with over 1000sqm of office space; this will be secured through Planning Obligations <del>in line with the Planning Obligations SPD</del> .
Offices	p.135 paragraph 10.2.6	Add a first sentence and amend the supporting text at paragraph 10.2.6 to read as follows: <u>"The types of office buildings most at risk from conversion have relatively small floorplates. In order to maximise the choice of resources and maintain a stock of cheaper accommodation lower cost office stock to provide cheaper accommodation to the borough's high percentage of Small and Medium Enterprises (SMEs), the Council seeks to discourage the unnecessary redevelopment of these premises. "</u>
Offices	p.136 paragraph 10.2.12	Amend from penultimate sentence of paragraph 10.2.12 onwards to read as follows:  "... Affordable workspace is considered to have a rent and service charge of less than 80% of comparable <u>local</u> market rates. <u>It is acknowledged that market rates will vary according to a range of factors such as location within the borough, the quality and type of office stock.</u> Affordable office provision; <del>including appropriate rental values;</del> will be agreed and secured through Planning Obligations in line with the Council's Planning Obligations SPD. <u>A revised Planning Obligations SPD will contain guidance to assist in the implementation of policy requirements on affordable employment space, including guidance on design and financial arrangements.</u>
MM 20 Industrial Land		
Industrial Land and Business Parks	p.137 Policy LP 42	Amend Part A criterion 2b to read:  2b) Mixed use including other employment generating or community uses, <u>and residential providing it does not adversely impact on the other uses and maximises the amount of affordable housing delivered as part of the mix.</u>





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		<del>free development, supported for example by a car club, may be appropriate where this can be demonstrated as acceptable, taking account of local characteristics, availability of sustainable modes of travel and public transport provision, and availability of on-street parking spaces in exceptional circumstances.</del>
Parking Standards and Servicing	p. 147 Paragraph 11.2.2	Amend last paragraph of 11.2.2 as follows: 11.2.2 This restriction would be secured by <del>a Planning Obligation</del> <u>excluding the address from the schedule of streets in the relevant road traffic order that created or creates the Controlled Parking Zone in which the property is situated, by restricting under section 106 of the Town and Country Planning Act 1990 the disposal of an interest in relevant properties unless a person disposing advises the person acquiring of the non-availability of residents or business on-street parking permits and/or through Section 16 of the Greater London Council (General Powers) Act 1974 (or any statute revoking or re-enacting that Act).</u>
MM 22 Monitoring and Appendices		
Implementation	p.199 13.5 Monitoring	Add new paragraph following 13.5.6:  <u>It is recognised that over the lifetime of the Plan, external circumstances will change. Whilst the Plan is overall considered to be flexible, the NPPF allows for Local Plans to be reviewed in whole or in part to respond flexibly to changing circumstances. Therefore, external factors such as changes in national policy, a London Plan review or changes in local evidence and need may trigger a review of this Local Plan. The programme for the preparation of Development Plan Documents is set out within the Council's Local Development Scheme, which is regularly reviewed and updated.</u>
Implementation	p.197 Paragraph 13.3.5	Amend paragraph 13.3.5:  ... It should be noted that Planning Obligation monies will not be secured for projects or items already on the Council's Regulation 123 List, <u>and will be subject to the pooling restrictions as set out in the CIL regulations.</u>
Appendix 5 – Marketing Requirements	p.220 paragraph 18.0.2	Amend paragraph 18.0.2 in Appendix 5 to read: This appendix sets out the details that should be provided to enable officers to assess the acceptability or otherwise of the marketing undertaken. <u>The Council's assessment will consider the overall length, type and quality of the marketing to come to a view, and if the applicant/agent puts forward any</u>

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		<u>justification for any shortcomings in the marketing (e.g. the use of only one specialist website rather than a range of generic websites due to the nature of the existing employment use, or that a marketing board was not used because of advertisement controls) these will be considered, however the expectation is the below requirements should be fully addressed.</u>
Appendix 7 - Glossary		<p>Amend the existing OOLTI definition in the glossary as follows:</p> <p><u>"Other Open Land of Townscape Importance (OOLTI) Open areas, which are not extensive enough to be defined as Metropolitan Open Land, but act as pockets of greenery of local significance, contribute to the local character, and are valued by residents as open spaces in the built up area. These areas can include public and private sports grounds, some school playing fields, cemeteries, allotments, private gardens, areas of vegetation such as street verges and mature trees. OOLTI is a local policy and new designations are made by the Council as part of the plan-making process. This is different to 'Local Green Space' (see definition above), which national policy makes provision for."</u></p> <p>Add new definition to glossary for 'Local Green Space' as follows:  <u>"Local Green Space (LGS) Local communities can identify green or open space which is of special quality and holds particular significance and value to the local community which it serves, in line with paragraphs 76 to 78 of the National Planning Policy Framework (NPPF). Local Green Spaces can only be designated when a local plan or neighbourhood plan is prepared or reviewed. National policy on Green Belt applies to any designated Local Green Space."</u></p>
MM 23 Site Allocations		
Site Allocations	p.161 SA 7 Strathmore Centre	<p>Include text in bullet point 5 with regard to the provision of outdoor space and parking to read as follows:</p> <p><u>"Proposed redevelopment will only be acceptable if the current child-care provision is adequately re-provided in a different way, including the provision of appropriate outside space and parking related to the childcare services, or elsewhere in a convenient alternative location accessible to the current community it supports."</u></p>
Site Allocations	p.162 SA 8 St. Mary's	At the beginning of the 2 <sup>nd</sup> paragraph of Policy SA 8 add "and/or" to the 1 <sup>st</sup> sentence:

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	University, Strawberry Hill	"A Masterplan <u>and / or</u> site development brief, ..."
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Delete " <del>very</del> " from the 4 <sup>th</sup> bullet point: "It is acknowledged that this is a <del>very</del> constrained site, with the majority of the land not built on designated as Metropolitan Open Land."
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Delete the last sentence of bullet point 4 as follows: <del>"There are also Listed Buildings, Buildings of Townscape Merit as well as sports playing fields."</del>
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Insert at beginning of 5 <sup>th</sup> bullet point: " <u>There are also Listed Buildings, Buildings of Townscape Merit as well as sports playing fields.</u> "
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Amend bullet point 5 (in addition to change PE/SA8/4 above) to stress the significance of the heritage assets to read:  "Any development proposal has <u>to take account of the highly significant heritage assets</u> and respect the special and unique location and setting of St Mary's University, <u>including the Grade I Listed Chapel</u> , the adjoining Grade I Listed Building (Strawberry Hill House) and the associated Historic Park and Garden <u>(II*)</u> as well as ..."
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Insert new bullet point within the supporting text (after the 5th bullet point) as follows:  <u>"The existing playing fields and sports facilities should be retained and/or re-provided, and if necessary, replacement facilities will have to be provided on or off site."</u>
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Amend the 6 <sup>th</sup> bullet point:  "The Council will work with the University on a Masterplan <u>and / or</u> site <u>development</u> brief (SPD) for the longer term upgrading of their sites, ..."
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Amend the 7 <sup>th</sup> bullet point: "Detailed guidance on design and local character for any redevelopment proposal will also be set out within <del>the site brief (SPD) as well as in</del> the relevant Village Planning Guidance SPD, <u>and where relevant within the Masterplan / site development brief.</u> "
Site Allocations	p.162 SA 8 St. Mary's University, Strawberry Hill	Amend the 1st paragraph of Policy SA 8 to read:  Retention and upgrading of St Mary's University and its associated teaching, sport and student residential accommodation. Upgrade works to include



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		refurbishment, adaptation, <u>intensification</u> , extensions and new build elements on site where <del>appropriate</del> <u>justified fully with regard to national policy and the policies of the development plan.</u>
Site Allocations	P.170 SA 14 Kneller Hall	Amend bullet point 6 as follows:  "It is expected that the existing playing field will be retained and where possible upgraded, <u>such as with ancillary facilities, including changing provided to support the use of the playing fields</u> , provided that any existing ecological benefits and the openness and character of the Metropolitan Open Land is retained and, where possible enhanced."
Site Allocations	P.170 SA 14 Kneller Hall	Amend the last sentence of bullet point 7 to read: "Any development should <u>be sensitive to the significance of the historic building and respond positively to the setting of the Listed Building.</u> "
Site Allocations	P.170 SA 14 Kneller Hall	Change to the first sentence of main policy text: <del>"If the site is declared surplus to requirements, It has</del> <u>been announced that Kneller Hall will be released for disposal. Appropriate land uses include..."</u>
Site Allocations	p. 176 SA 17 St Michael's Convent	Amend the OSNI area to that lying to the north of the lawn area and its delineating path that traverses the site east-west <u>(also excluding the allotment north of Avenue Lodge).</u>  (Note – consequential map update required)
Site Allocations	p.182 SA 22 Pools on the Park	Add a third sentence to the end of Policy SA 22 thus: <u>"Any proposal would need to be fully justified having assessed the significance of the building and its setting, and having taken into account the wider heritage designations that apply to the site."</u>
Site Allocations	p.184 SA 23 Richmond Athletic Association Ground	Modify the 2 <sup>nd</sup> sentence of the policy so that Policy SA 23 reads:  "The Council supports the continued use of this site for sports uses, including improvements and upgrading of existing facilities. Additional associated leisure facilities and other complementary uses could be incorporated provided they <u>have been fully justified as being necessary to support the continued sporting uses on the site, that they demonstrate</u> meeting identified needs, do not detract from the main use of the site as a sports ground, and <u>have been developed to</u> take into account of the Metropolitan Open Land (MOL) and historic designations."
Site Allocations	p.186 SA 24 Stag Brewery	In 7 <sup>th</sup> bullet point change text to read:  "Incorporating a mix of uses, including social infrastructure and community as well as leisure, sport and health uses, and attractive frontages <del>would</del> <u>should</u>

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		contribute to creating an inviting and vibrant new centre."
Site Allocations	p.186 SA 24 Stag Brewery	<p>Proposed modification as new additional bullet point – new 10<sup>th</sup> bullet point (after the one referring to Mortlake Conservation Area):</p> <p><u>"The site is very close to an Air Quality Focus Area. Therefore strict mitigation measures will be required, both to mitigate any effect on current receptors and highways and on future receptors within the proposed development, particularly for sensitive receptors, such as pupils at the secondary school."</u></p>
Site Allocations	p.186 SA 24 Stag Brewery	<p>Amend penultimate bullet point as follows:</p> <p><del>"There may be an opportunity to relocate the bus stopping / turning facility from Avondale Road Bus station to this site. The adopted development brief (2011) identifies a number of transportation and highways issues. The Council will expect the developer to work together with relevant partners, including Transport for London, to ensure that where possible necessary improvements to sustainable modes of travel, including public transport facilities, can be are secured as part of any development proposal. The opportunity to relocate the bus stopping / turning facility from Avondale Road Bus station to this site should be investigated as part of the comprehensive redevelopment."</del></p>
Site Allocations	p.186 SA 24 Stag Brewery	<p>Amend first bullet point as follows:</p> <p>"The Council has produced and adopted a development brief in 2011 for this site, which sets out the vision for redevelopment and provides further guidance on the site's characteristics, constraints, land use and development opportunities. <u>Any proposed development should have due regard to the adopted brief."</u></p>
Site Allocations	p.186 SA 24 Stag Brewery	<p>Insert after the original 10<sup>th</sup> bullet point the following: <u>The playing fields in the south west corner of the site, which are designated Other Open Land of Townscape Importance (OOLTI), should be retained and/or reprovided and upgraded. In the event of reprovion and upgrading, where a comprehensive approach to redevelopment can be taken in line with policy LP 14, it may be acceptable to re-distribute designated OOLTI within the site, provided that the new open area is equivalent or improved in terms of quantum, quality and openness. In addition, reprovion and upgrading of the playing fields within the site for sport uses has</u></p>

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		to be carried out in line with <u>policy LP 31, the NPPF and Sport England Policy.</u>
Site Allocations	p.186 SA 24 Stag Brewery	Amend the original 9 <sup>th</sup> bullet point as follows: "The site is <u>within an Archaeological Priority Area and partially within the Mortlake Conservation Area...</u> "
Site Allocations	p.191 SA 28 Barnes Hospital	Modify the 2 <sup>nd</sup> sentence of policy SA 28 to read: "Any redevelopment proposal for this site will be required to prioritise the provision of a new <u>Special Education Needs 2-form entry primary</u> school."
Site Allocations	p.191 SA28 Barnes Hospital	In 3 <sup>rd</sup> bullet point change text to read:  "There is a clear need for a new <u>Special Education Needs 2-form entry primary</u> school in this area as set out in the <u>updated</u> Council's School Place Planning Strategy. Therefore, the Council expects any redevelopment proposal to prioritise the provision of the educational use."