



APPEAL BY:
Sharpe Refinery Service Ltd
Re: Arlington Works
23-27 Arlington Road
Twickenham
TW1 2BB

INSPECTORATE REF:
APP/L5810/W/20/3249153

COUNCIL REF:
18/2714/FUL

STATEMENT OF CASE

APPEAL – APP/L5810/W/20/3249153 - 18/2714/FUL

I refer to the above appeal and herein set out the Local Planning Authority's case for the refusal of the above planning application. I enclose the appropriate documentation to support the Authority's case and would be grateful if you would accept this as the formal representation of the Local Planning Authority.

The documentation in case is accompanied by:

Appendix 1 - Conditions in the event of the appeal being allowed

Appendix 2 – Copy of Planning Permission ref: 94/2139/S191

Appendix 3 – West London Waste Plan

Appendix 4 – Evidence of uses on site

1.0 Introduction

- 1.1 An application was submitted and validated in August 2018 for 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 and other works.
- 1.2 The application was refused at Planning Committee on the 18th September 2019. The statement below sets out the Council's case for the scheme addressing the reasons for refusal, including further matters raised by the appellant's statement of case. All other matters are covered in the Council's Officer's Report.
- 1.3 The statement adequately addresses why the scheme is considered to be unacceptable and would not comply with National and local policies.

2.0 Policies

- 2.1 In December 2019 the Intend to Publish version of the New London Plan was published. This was the next stage beyond the Draft London Plan (July 2019) whose policies are referred to in the officer's report. The Intend to Publish version carries more weight than previous version, having taken into account the Inspectors' recommendations and progressed to the final stage prior to adoption. Whilst it is noted that the Government rejected the plan in March 2020, it is considered that the policies not referred to in the rejection carry 'reasonable' weight.
- 2.2 Table 4.1 of the Intend to Publish version indicates ten-year housing targets for London Planning Authorities. Previously the target for Richmond was 8,110 and this figure has been reduced to 4,110. It is noted that in the Government's letter they have asked this to be increased, however, it is considered that there would still be a reduction which needs to be taken into consideration when considering the urgency of housing need in the borough
- 2.3 Policies S18 and S19 of the Intend to Publish Version, maintain that existing waste management sites should be optimised, and that the proposed loss of an existing waste site will only be supported where appropriate compensatory capacity is made within London. It is therefore considered that there has been no change in policy terms to the objection to the loss of the waste site.
- 2.4 Revised National Planning Policy Framework 2018 (NPPF)
- 2.5 National Planning Policy Guidance (NPPG)
- 2.6 Technical housing standards – nationally described space standards (2015)
- 2.7 London Plan (Adopted March 2016 – Consolidated with alterations since 2011):

1.1 - Delivering the strategic vision and objectives for London; 2.6 - Outer London: Vision and strategy; 2.7 - Outer London: Economy; 2.8 - Outer London: Transport; 3.2 - Improving health and addressing health inequalities; 3.3 - Increasing Housing supply; 3.4 - Optimising housing potential; 3.5 - Quality and design of housing developments; 3.6 - Children and young people's play and informal recreation facilities; 3.8 - Housing choice; 3.9 - Mixed and balanced communities; 3.10 - Definition of affordable housing; 3.11 - Affordable housing targets; 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes; 3.13 - Affordable Housing Thresholds; 4.2 - Offices; 4.3 - Mixed Use Development and Offices; 4.4 - Managing industrial land and premises; 5.1 - Climate change mitigation; 5.2 - Minimising carbon dioxide emissions; 5.3 - Sustainable design and construction; 5.4 - Retrofitting; 5.5 - Decentralised energy networks; 5.6 - Decentralised energy in development proposals; 5.7 - Renewable energy; 5.9 - Overheating and cooling; 5.10 - Urban Greening; 5.11 - Green roofs and development site environs; 5.12 - Flood risk management; 5.13 - Sustainable drainage; 5.14 - Water quality and wastewater infrastructure; 5.15 - Water use and supplies; 5.16 - Waste net self-sufficiency; 5.17 - Waste Capacity; 5.18 - Construction, excavation and demolition waste; 5.19 - Hazardous Waste; 5.21 - Contaminated land; 6.3 - Assessing effects of development on transport capacity; 6.9 - Cycling; 6.10 - Walking; 6.11 - Smoothing traffic flow and tackling congestion; 6.12 - Road network capacity; 6.13 - Parking; 7.1 - Lifetime neighbourhoods; 7.2 - An inclusive environment; 7.3 - Designing out crime; 7.4 - Local character; 7.5 - Public realm; 7.6 - Architecture; 7.7 - Location and design of tall and large buildings; 7.8 - Heritage Assets and Archaeology; 7.11 - London view management framework; 7.12 - Implementing the London view management framework; 7.13 - Safety, security and resilience to emergency; 7.14 - Improving air quality; 7.15 - Reducing noise and enhancing soundscapes; 7.19 - Biodiversity and access to nature 7.21 - Trees and woodlands; 8.2 - Planning obligations; 8.3 - Community infrastructure levy.

2.8 Local Plan – (Adopted 2018):

LP1 - Local Character and Design Quality; LP2 - Building Heights; LP4 - Non-Designated Heritage Asset; LP5 - Views and Vistas LP8 - Amenity and Living Conditions; LP10 - Local Environmental Impacts, Pollution and Land Contamination; LP15 - Biodiversity; LP16 - Trees, Woodlands and Landscape; LP 17 - Green Roofs and Walls; LP20 - Climate Change Adaptation; LP21 - Flood Risk and Sustainable Drainage; LP22 - Sustainable Design and Construction; LP23 - Water Resources and Infrastructure; LP24 - Waste Management; LP27 - Local Shops and Services; LP30 - Health and Wellbeing; LP31 - Public Open Space, Play Space, Sport and Recreation; LP34 - New Housing; LP35 - Housing Mix and Standards; LP36 - Affordable Housing; LP39 - Infill, Backland and Backgarden Development; LP40 - Employment and Local Economy; LP41 - Offices; LP42 - Locally important industrial land and business parks; LP44 - Sustainable Travel Choices; LP45 - Parking Standards and Servicing.

2.9 West London Waste Plan (WLWP) - (Adopted 2015):

WLWP 2 - Safeguarding and Protection of Existing and Allocated Waste Sites

2.10 London Plan Supplementary Planning Guidance:

Accessible London: Achieving an Inclusive Environment SPG (October 2014); Affordable Housing and Viability SPG (2017); Character and Context SPG (June 2014); Housing SPG (March 2016); Shaping Neighbourhoods: Play and Informal Recreation (September 2012); Sustainable Design and Construction SPG (April 2014); The control of dust and emissions during construction and demolition SPG (July 2014); Land for Industry and Transport (September 2012).

2.11 Richmond Supplementary Planning Guidance/Documents:

Affordable Housing SPD (March 2014); Buildings of Townscape Merit (2015) Car Club Strategy (2006); Contaminated Land (2003); Design Quality SPD (February 2006); East Twickenham Village Planning Guidance (2016); Housing Optional Technical Standards –

internal space standards and inclusive access (update June 2015); Front Garden and other Off-Street Parking Standards (2006); Planning Obligations (in conjunction with Borough CIL - 2014); Nature Conservation and Development (undated); Refuse and Recycling Storage Requirements SPD (2015); Residential Development Standards (2010); Security by design (2002), Small and Medium Housing Sites (2006); Sustainable Construction Checklist Guidance Document SPD (January 2016); Trees: landscape design, planting and care SPG (November 1999); and Trees: legislation and procedure SPG (November 1999).

3.0 Site Description

- 3.1 The application site is owned and occupied by Sharpe Refinery Service Ltd. The site refers to 'Arlington Works' and adjoins the railway approximately 80m to the north east of St Margarets Station. Twickenham Film Studios is situated to the south-west and Kelvin Court (flats) is sited to the east. The site is situated to the north of but is not located within the St Margarets Conservation Area. The site comprises a collection of industrial buildings for an oil refinery and associated waste oil recycling, manufacturing, vehicle repair and storage. The site also accommodates two Buildings of Townscape Merit (BTM's) which are situated to the south west. It lies to the north eastern side of Twickenham Studios which covers the area adjacent to the railway line from St Margarets Road to the junction between Arlington Road and Arlington Close.
- 3.2 The site is irregular in shape with the railway line to the north west. It is approximately 77.5m long and 40m wide, narrowing to approximately 20m wide at the southern boundary with Twickenham Studios. The site covers a total area of approximately 3,030m² (0.303Ha), including the access driveway.
- 3.3 At present, the site wholly covered with either the buildings' footprints or hardstanding. The existing site comprises two late Victorian terraced buildings (designated as Buildings of Townscape Merit) to the southwest corner, which face inwards towards each other, separated by a cobbled mews/stable yard. The application sets out that these buildings previously provided stables, coach houses and tack/feed store rooms with ancillary residential rooms to the first floor as accommodation for the grooms and their families. The existing terraces are constructed of yellow stock brick (now heavily soiled) with large black stained/painted timber coach house/stable doors at ground level and painted timber sliding sash windows at first floor level.
- 3.4 A linear, single storey corrugated steel-clad workshop building, extends north eastwards from the rear of the eastern (BTM) terrace, and at present, is still occupied by tenants.
- 3.5 The site also currently accommodates a telecommunications mast and a series of oil storage tanks and associated machinery.
- 3.6 The northern boundary of the site abuts the rear garage parking court of the adjacent post war (circa 1950s-1960s block of flats) Howmic Court, which is defined by an existing approximately 2.0m high brick wall within the main area of the application site; with a low level wall with open metal wired fencing and screen planting sited on the common boundary with Howmic Court along the access driveway from Arlington Road.
- 3.7 The southern and eastern boundaries are primarily defined by the flank walls of the Twickenham Studios buildings and extend across the currently open car parking areas, subdivided from the application site by close boarded timber fencing.

- 3.8 The western boundary of the application site is bound by the railway line, with the nearest track set approximately 7.5m from the boundary.
- 3.9 The site has a public transport accessibility level (PTAL) of 3, which is defined by the London Plan as 'moderate'. The nearest bus stops are located on St Margarets Road, serviced by six bus routes (33; 390; R68; R70; H22 and H37) which are approximate walk times from the application site of 7.5 minutes. St Margarets train station is approximately 530m from the application site (approximate walk time of 8 minutes).
- 3.10 The application site falls within the St Margarets Area of Mixed Use (AMU) and is designated as an existing waste site, which is safeguarded in the West London Waste Plan (2015) (site: Sharpes Oil, Arlington Works).
- 3.11 The site is situated within Flood Zone 1, however, parts of the surrounding area fall within Flood Zone 2, particularly Howmic Court to the north. The area to the north-west of the adjacent railway is situated within Flood Zone 3.
- 3.12 The site falls within the Ravensbourne Road and Surrounds Character Area under the East Twickenham Village Planning Guidance, which describes Arlington Road as follows: *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.*
- 3.13 In terms of heritage designations, the site falls within an archaeological priority zone, however it does not fall within a Conservation Area, nor does it relate to any statutorily Listed Buildings. The site is not located within any strategic views designated in the London Plan however it is situated within the locally protected views from Petersham Part to Twickenham and from Terrace Garden to South West Twickenham.
- 3.14 The nearest listed buildings:
- St Margaret's Catholic Church (65m to the south west)
 - Downes House (100m to the south west)

4.0 Relevant planning history

There is an extensive planning history related to this site. The most relevant include:

| Ref | Proposal | Decision | Dec Date |
|---------|---|--------------------|------------|
| 01/3045 | Installation Of A 13m High Column, 6 Antenna And 4 Dishes. Additionally Ten Equipment Cabinets To Be Installed At | Granted Permission | 03/01/2002 |

| | | | |
|--------------|--|--------------------|------------|
| | Ground Level Adjacent To Pole Along Length Of Security Fence. | | |
| 94/2139/S191 | Use For The Refining Of Waste Oil (other Than Petroleum Or Petroleum Products) (to Include The Use Of Fuel Storage Tanks In This Connection) | Granted Permission | 23/08/1994 |
| 59/0883 | Installation of fuel storage tanks. | Granted Permission | 22/10/1959 |
| 47/1511 | Their use for light industry. (textile printing). | Granted Permission | 15/05/1950 |
| 47/0267 | Its use for light industry. | Granted Permission | 13/12/1948 |

- 4.1 The appellant's Statement of Case refers to planning application ref: 94/2139/S191, and states that the lawful area for waste extended to 0.05ha rather than the 0.23ha set out in the West London Waste Plan. The Council refers to Appendix 2, which is a copy of the Planning Permission and accompanying plan. The line around the site area for the application is approximately 0.08ha in area. Whilst the fuel storage tanks may have covered a smaller area, the lawful use refers to the site outlined in the planning application. It is further noted that the application description is: 'Use For The Refining Of Waste Oil (other Than Petroleum Or Petroleum Products) (to Include The Use Of Fuel Storage Tanks In This Connection)' indicating that the fuel storage tanks were just one element of the use. However, irrespective of the site area, the site is expected to process up to 12,000 tonnes of hazardous waste within the West London Waste Plan area.

5.0 Proposal

- 5.1 This application proposes the demolition of the existing waste treatment facilities and the redevelopment of the site to provide 610sqm of commercial space (B class) within the existing Buildings of Townscape Merit and an additional new build unit, erection of 24 residential units (5 x 1 bedroom, 12 x 2 bedroom and 7 x 3 bedroom) and associated car parking and landscaping.

5.2 Commercial Space

The two existing Victorian buildings situated to the south west of the site (BTM(s)), are proposed to be retained and refurbished in order to provide 610sqm of commercial floorspace. It is proposed that the BTM sited adjacent to the railway line is extended at ground and first-floor level to create an additional commercial unit within the southwestern corner of the application site.

5.3 Residential Space

The proposed development would provide residential units within two separate buildings. The main block is situated to the northern corner of the site and comprises twenty residential units. The smaller block, is situated adjoining the rear elevation of the existing eastern BTM, comprises four residential units.

5.4 Communal Space

The proposed development would provide a combination of hard and soft landscaping across the redeveloped site. The majority of the proposed communal areas would constitute hard landscaping to provide vehicular access and parking to both the residential units and the commercial units. To the rear of the main residential block there would be approximately

115sqm of communal external amenity space, to the rear of the smaller residential block; it is proposed to provide approximately 175sqm of communal external amenity space. The scheme would not provide any children's play space.

5.5 Design, scale, layout and appearance:

The proposal introduces two new buildings to the site; a larger part three/part four-storey building with a broadly rectangular-shaped footprint, sited to the north west of the application site parallel to the adjacent railway line. An additional, smaller three-storey building, adjoining the rear elevation of the eastern BTM is proposed to be constructed within the south eastern corner of the site. The top floors of both residential; buildings would be at the respective roof levels and accommodate residential floor space. The arrangement of the buildings would allow for the provision of vehicular access and parking through the site, with communal amenity space at the rear of the proposed residential blocks.

5.6 The primary facade of the larger block, would comprise a varied building line with recessed communal entrances at ground-floor level and projecting balconies at ground, first and second-floor levels. Roof-space accommodation is proposed to be facilitated through a recessed fourth-floor level. The main block would accommodate 20 residential units; with all 20 flats arranged on single levels and accessed via two separate cores (2-3 units per core). Both cores can be accessed from ground-floor level within the front and rear elevations.

5.7 The proposed smaller building would be three-storeys in height and would accommodate four additional dwelling units (2no. at ground-floor level and 2no. duplex units across first and second-floor level) and would follow a similar design approach to the main residential block, faced in the same yellow London stock brickwork, interspersed with similar vertical proportioned recessed metal panels and similar fenestration arrangements. The top floor would also comprise of a zinc clad roof with an unvarying rectangular form. Unlike the main residential block; the smaller building would not feature front projecting balconies to its front elevation and would include roof terraces at first-floor level to the rear elevation.

5.8 The proposed extension to the existing western BTM would follow the same style and scale as the existing building; with similar external facing materials. The conversion works to the existing BTMs would provide duplex commercial units, each serviced via separate access.

5.9 Materials to include: Yellow London stock brick to main front and rear elevations; zinc metal cladding to roof and partial elements of external elevations; grey metallic finish window and door frames (to residential blocks); black stained/painted timber coach house/stable doors and painting timber sash windows for existing BTMs.

6.0 Public Representations

6.1 Letters were sent to 91 neighbouring properties on 30/08/2018, and a site notice was placed near the application site and an advertisement was placed in the local newspaper. 17 letters of objection (duplicate objections were only counted once) and 1 letter of support were received during the course of the application.

6.2 The material planning considerations raised are summarised below:

Objection:

Principle

- Change of use away from industrial is not supported by policy
- No robust and compelling evidence has been provided demonstrating that there is no longer demand for industrial use in this location
- Proposed mix of uses is incompatible with paragraph 80 & 82 of the NPPF

- Overdevelopment of the site; a row of terraced housing would be more appropriate;
- Surrounding area is already densely populated;
- Proposed development should greater provide on-site affordable housing;

Neighbour amenity

- Increased noise and disruption associated with de-contamination and construction would detract from residential amenity;
- Loss of privacy and increased overlooking of nearby residential buildings and gardens.

Transport

- Inadequate parking provision, resulting in overspill into the surrounding residential streets;
- Proposed development will remove access to Twickenham Film Studios; increasing traffic within surrounding locality;
- Even with restricted access to parking permits - this would not be enforced outside of CPZ hours;

Impact on public services:

- Increased pressure on community trains which are already at capacity;
- Increased pressure on local schools which are already at capacity (new schools are being built to cope with existing demand)

Other

- Increased noise and disruption during construction would impact operations of adjacent Twickenham Film Studios

Support:

- Existing industrial use is incompatible with the surrounding residential area;
- Present situation results in noise and odour impacts on surrounding residential occupants

6.3 West London Waste Plan Boroughs:

London Borough of Brent:

No objection received.

London Borough of Ealing:

No objection received.

London Borough of Harrow:

No objection received.

London Borough of Hounslow:

No objection received.

London Borough of Hillingdon:

No objection received.

6.4 Old Oak and Park Royal Development Corporation (OPDC)

The application site is identified as a site in existing waste management use in Appendix 2 of the adopted West London Waste Plan (WLWP) and that the policies in the WLWP apply to this proposal. As such, OPDC object to the proposal unless compensatory provision for waste is provided in line with policy WLWP2.

6.5 Historic England (Archaeology):

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination; in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeological condition could provide an acceptable safeguard.

6.6 Environment Agency (EA):

There is currently a permitted activity on the site and prior to any redevelopment occurring the current permit is required to be surrendered. As part of the surrender process of the permit, the operator who holds to permit, will need to demonstrate that the site has been left in a satisfactory state. Given the current condition of the site we insist that it is the responsibility of the current operator to remediate the site to a pre agreed level and not the applicant for the proposed development at this location.

With regards to the proposed new development at this site location we consider that planning permission should only be granted to the proposed development as submitted, provided conditions relating to remediation, contamination, no drainage of surface water, details of piling are requested.

6.7 Thames Water:

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity; no objection is raised to the proposed development.

7.0 Internal Council Consultees:

7.1 Ecology:

No objections subject to conditions requesting details of lighting, planting specs and maintenance plans and ecological enhancements.

7.2 Transport:

No objection to application, however more detail of parking arrangements required, pre-commencement condition requiring submission of full Construction Method Statement required; to include detail of routes to and from site.

7.3 Trees:

As the existing trees on site are unaffected, no objection to the proposal is raised. However, concerns raised regarding the soft landscaping provision (17% of the overall site) and the limited space to plant architectural trees likely to provide some amenity and longevity value for the site.

7.4 Environmental Health (Contamination):

Council records and the Phase 1 desktop study and phase 2 site investigation reports submitted, identify that onsite potential sources of contamination include the current and historical land uses associated with the oil recycling centre (oil tanks, waste storage areas etc.) while offsite potential sources of contamination include the adjacent Motor Works and Film Studios.

Given the current use of the site and the sensitivity of the proposed development, it is recommended that the standard contaminated land condition is attached to any planning permission granted. It is considered that the submitted report is sufficient for the purposes of discharging part 1a of the recommended condition. Given that further intrusive

investigation is required, it is not recommended the remaining parts of the condition are discharged at this time.

7.5 Environmental Health (Air Quality):

No in principal objections to the proposed development subject to air quality mitigation and control conditions being implemented. Section 106 contribution of £15,000 required for Council work to improve air quality in the negatively impacted Richmond AQFA (Bridge Street and beyond).

7.6 Environmental Health (Commercial):

No in principal objections to the proposed development subject to conditions attached to any planning permission requiring detail on mechanical services noise control, new residential development noise control, new commercial development noise control, CMS required to include detail on noise and vibration.

7.7 Environmental Health (Non-commercial):

No principal objections to the proposed development.

7.8 Lead Local Flood Authority (Surface water drainage):

No risk of flooding from Thames or Reservoirs and not within Environment Agency breach models for 2010. Some potential for groundwater flooding. Floor levels will be above ground level to mitigate local flooding. Resilience measures not required. There are no flooding related issues in this application.

8.0 Independent Specialist Consultants:

8.1 Climate Integrated Solutions (CIS) (Independent Sustainability Consultant):

Energy and CO2: A site wide reduction in emissions of 35.16% has been reported. The report does not provide figures for the residential and non-residential areas separately. Under the London Plan, both the residential and non-residential areas are required to reach a 35% reduction at the Be Green stage. Conditions required on any permission granted requiring detail of a revised Energy Strategy where appropriate, written in line with the London Plan Energy Hierarchy and Cooling Hierarchy.

Energy Modelling Calculations: A sample of the dwellings have been modelled in SAP software and a sample of the non-residential areas have been modelled in SBEM software. Copies of the calculations have been provided for the Be Lean, Be Clean, Be Green stages.

Energy Efficiency Measures (Be Lean): Details of the proposed specification have been provided. A site wide reduction of 10.83% has been reported at this stage. This is an 18.59% reduction for the non-residential and 7.36% reduction for the residential.

Energy Supply (Be Clean): CHP has been found unsuitable which is as expected for a development of this size. Communal heating and designing for a future district heat network do not appear to have been included.

Renewable Energy (Be Green): The applicant has confirmed ASHP's are proposed. Potential details have been provided. A 19.8kWp solar PV array has been proposed. Panels will be at a pitch of 15 degrees facing south west. It is assumed the electricity generated will supply communal areas. The panels will be connected to the landlord's meter. A site wide reduction of 35.16% has been reported at this stage.

Carbon offset payment: The payment has been shown as £28,102 to account for 15.612 tonnes/yr over a 30 year period.

Overheating: Residential risk of overheating is shown as medium. The applicant is encouraged to reduce this. The measures implemented at each stage of the cooling hierarchy do not appear to have been outlined. The applicant has stated the results do not change. This is not the same as detailing the measures which have been incorporated into the design. The report addresses risk of overheating for these areas, due to the small openings the applicant is not proposing to carry out dynamic thermal modelling. This is acceptable for a development of this size. Further details of measures implemented at each stage of the cooling hierarchy required.

BREEAM: A BREEAM pre-assessment has been provided for the non-residential areas. This shows an Excellent rating with a score of 71.85%. The applicant is encouraged to increase the buffer of credits or identify back up credits. The pre-assessment includes no notes regarding the assumptions made. Condition necessary requiring submission of BREEAM Final (post-construction) certificate.

Green Roof: Due to the presence of solar PV panels and the need to use a ballasted system the applicant has stated a green roof will not be possible. Whilst solar PV panels and green roofs can work well together the ballasted system could make this difficult.

Residential water use: The report states an internal water use of 105L/person/day will be targeted. An example of how this could be achieved has been provided.

Sustainable Construction Checklist (SCC): A copy of the checklist has been completed. This shows a score of 60 – a B rating for the non-residential elements and an A rating for the dwellings.

- 8.2 Bespoke Property Consultants (BPC) (Independent development viability assessors):
The applicant's appraisal (produced by Grimshaw Consulting) and their subsequent reports have been independently reviewed by BPC. Details of the discussions are covered in the Affordable Housing section of the report.

9.0 Professional comments

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 Consideration of the application has been assessed in the officer's report. The Council therefore expands on the matters for refusal, and issues raised in the appellant's Statement of Case as follows:

10.0 Principle of development (Land use)

10.1 Loss of Safeguarded Waste Site

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 (2011). London Plan Policy 5.17 (Waste capacity) sets out within sections F, G and H that;

F - Boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in this Plan. Boroughs may wish to collaborate by pooling their apportionment requirements.

G - Land to manage borough waste apportionments should be brought forward through:
a) protecting and facilitating the maximum use of existing waste sites, particularly waste transfer facilities and landfill sites

- b) identifying sites in strategic industrial locations (see Policy 2.17)
- c) identifying sites in locally significant employment areas (see Policy 4.4)
- d) safeguarding wharves (in accordance with policy 7.26) with an existing or future potential for waste management

H - 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 throughput that the site could have achieved."

10.2 In addition to the above; London Plan Policy 5.19 (Hazardous Waste) sets out 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 5.17H. 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.

10.3 It is prudent to note that the Intend to Publish London Plan is more explicit on the release of existing waste sites. Draft London Plan Policy SI9 (Safeguarded waste sites) 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.
- d) 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 this policy.
- e) Development proposals for the relocation of waste sites within London are supported where strategic waste management outcomes are achieved.

Furthermore; paragraph 9.9.2 of the Draft London Plan sets out that any waste site release should be part of a plan-led process, rather than on an ad-hoc basis.

10.4 The PPG on Waste states that, "WPAs 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". Adopted Local Plan Policy LP24 - Waste Management states that proposals affecting existing waste management sites, as well as proposals for new or additional waste management facilities will be assessed against the policies of the West London Waste Plan (2015) (Appendix 3).

10.5 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 West London Waste Plan (WLWP) identifies and safeguards sufficient sites for waste management facilities in the area to satisfy the waste apportionment targets established in the London Plan (2011). 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, in Richmond upon Thames.

10.6 With particular reference to Arlington Works, Appendix 2 on page 78 of the WLWP identifies this site (Operator: Sharpes Recycle Oil Ltd, Facility: Arlington Oil Reclamation Facility) 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 – Safeguarding and Protection of Existing and Allocated Waste Sites. This policy states that land accommodating existing waste management uses

in West London will be protected for continued use for waste management. The safeguarding of these sites 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 G (a) and paragraph 5.82 of the London Plan (2011).

- 10.7 To ensure no loss in existing capacity, re-development 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 the waste is being moved up the waste hierarchy.
- 10.8 Development for non-waste uses will only be considered on land in existing waste management use, (or land allocated in Table 5-2) if compensatory and equal provision of capacity for waste, in scale and quality, is made elsewhere within the West London Boroughs.
- 10.9 A report was submitted accompanying the application (prepared by Waterman Infrastructure and Environment, ref:WIE12815-100-R-3-4-1-WasteUseRpt); which contends that, when interpreting policy WLWP-2; it would be a reasonable approach to assume that, an existing waste site can be redeveloped for a non-waste use prior to the actual delivery of compensatory and equal provision of capacity for waste elsewhere within the West London Boroughs. With the suggested rationale being that over the course of the WLWP period (2031); appropriate compensation can be provided over the plan period. Severe concerns are raised by the Local Planning Authority at this approach; as it would be irresponsible of the Council's applying the WLWP to take such an approach, as there is no substantive evidence provided as part of this application which prevents the approach set out in the Waterman report from being anything other than arbitrary.
- 10.10 The Waterman report also suggests that the size and scale of the Arlington Works facility is insufficient to support the waste management facility types identified in a research study from 2004, nor the West London Waste Plan. The Waterman report also outlines that the site scored poorly in independent studies undertaken for the WLWP and that the application site is not considered by the WLWP to have potential for development as a waste management facility.
- 10.11 Notwithstanding the above; it is prudent to note that the LPA is guided by the Development Plan unless other material considerations justify departing from the aims and objectives of adopted policy. The West London Waste Plan (adopted 2015); was concluded to provide an appropriate basis for waste planning in the west London boroughs over the next 17 years, providing a number of modifications are made to the Plan in order to be made sound. Within paragraph 66 of the Inspector's Report on the examination into the West London Waste Plan, the Inspector concluded that the methodology adopted for site selection was perfectly reasonable.
- 10.12 Further to the above, appendix 2 on page 78 of the WLWP identifies this site (Operator: Sharpes Recycle Oil Ltd, Facility: Arlington Oil Reclamation Facility) as an existing waste management site in West London. The WLWP also makes it clear that this site counts against the apportionment figure. This policy requires the safeguarding of these sites (as set out in Appendix 2) 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 G (a) and paragraph 5.82 of the London Plan (2011). Note that Policy WLWP 3 provides support for waste development proposals on existing waste management sites. Therefore, it is clear that in line with the WLWP, existing waste management sites should be protected and safeguarded for waste use. The WLWP has been adopted in 2015 and has been produced and adopted in co-operation with other boroughs, including the OPDC, and the designation of Arlington Waste Works as an existing waste management site can only be considered as

part of a review into the WLWP, together with the other LPAs. This approach was accepted by the Planning Inspectorate during the Examination in Public of the Richmond Local Plan (2018).

- 10.13 The application is for proposed redevelopment of the site away from the existing waste use. As such; the application is required by policy, to demonstrate that sufficient compensatory site provision has been secured elsewhere at appropriate sites before release may be considered.
- 10.14 In England, if a firm receives, treats or disposes of hazardous waste at a premise; it must acquire an environmental permit or register an exemption, and send consignee returns to the Environment Agency. The waste producer or holder must report on any hazardous waste they accept or reject.
- 10.15 Environment Agency data shows that, over the last three years of operation; on average, 10,512.462 tonnes of waste were deposited for hazardous waste transfer by Sharpe's recycle Oil Ltd. at Arlington Works.

Table 2: Environment Agency Waste Data Interrogator data for Sharpe's Recycle Oil Limited

| 2015 | 2016 | 2017 | Average |
|-----------|-----------|-----------|------------|
| 8,445.671 | 9,687.794 | 13,403.92 | 10,512.462 |

- 10.16 During pre-application enquiry 16/P0327/PREAPP; in an email dated 26th February 2018; the planning agent sought clarification from the LPA that, '*...the capacity for Arlington Works (12,000 tonnes) could be compensated by additional capacity for 12,000 tonnes of another hazardous waste stream*' [sic]. Based on the above; the Council accepts that should available capacity up to 12,000 tonnes of hazardous waste be available within the West London Waste Plan area; the redevelopment of the Arlington Works site for non-waste purposes could be considered acceptable, subject to compliance with other policies within the development plan.
- 10.17 The submitted waste report (prepared by Waterman), claims to have identified over 20,000 tonnes of unexploited hazardous waste capacity at sites within the WLWP area. Whilst it is accepted that the Arlington oil refinery operations are generally of a small scale and is being run down by the owners; it is still necessary that suitable compensatory capacity is afforded within the WLWP area prior to redevelopment. The applicant's suggested hazardous waste sites in the area include:
1. Associated Reclaimed Oils - Royal Borough of Greenwich;
 2. Brent Oil Contractors - London Borough of Brent;
 3. Heathrow Airport Ltd - London Borough of Hillingdon; and
 4. Williams Environmental - London Borough of Newham.
- 10.18 The submitted report claims that Brent Oil contractors are in the WLWP area and have around 1,978 tonnes of spare capacity on average, with which the LPA agrees. However, the other sites oil reclamation facilities are not within the WLWP area (Associated Reclaimed Oils and Williams Environmental). Furthermore, the Heathrow Airport Ltd. facilities in Cranford Lane, Hillingdon is a non-hazardous waste transfer station and is not considered as an appropriate site to absorb waste deposited for hazardous waste transfer by Sharpe's Oil Recycle Ltd.
- 10.19 In light of the above; it is not considered that the application identifies that there is sufficient capacity within the West London Waste Plan area to accommodate the change of use of the application site away from the existing waste management facility. The significant majority

of unexploited capacity within the WLWP area identified within the submitted Waterman report is for non-hazardous construction, demolition and excavation waste management.

- 10.20 Whilst the LPA appreciates that identifying capacity locally may be difficult, it is not considered that the information supplied within the Waterman report sufficiently identifies that additional compensatory hazardous waste capacity does not exist within the West London waste Plan Area. Therefore, the submitted application does not comply with the requirements of policy WLWP2 of the West London Waste Plan. Furthermore, the submitted report does not identify any agreement or other appropriate means by which suitable compensatory site provision has been secured. As such, the scheme fails to comply with the requirements of Policy 5.17H and 5.19 of the London Plan.
- 10.21 The Local Planning Authority does not consider that the applicant's contention that assuming an existing waste site can be redeveloped for a non-waste use prior to the actual delivery of compensatory and equal provision of capacity for waste elsewhere within the West London Boroughs is a reasonable approach to planning in this regard. Furthermore, whilst it is acknowledged that finding sufficient capacity locally may be fairly difficult, however the submitted information is not considered sufficient to justify change of use away from the existing waste management use of the application site.
- 10.22 In light of the above, there is an in-principle objection to the proposed change of use away from the existing safeguarded waste site. The scheme is contrary to policy and, in particular, would fail to meet the requirements of policies SI9 of the Draft London Plan, 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).

11.0 Loss of Industrial Floorspace

- 11.1 The remainder of the site which is not part of the waste use, is industrial. The site consists of the following uses: Blacksmith, Carpenter, Car Repair, Stone Mason, Electric Repair (all within B2 Use Class), Upholstery and Studios (B1c Use Class) and Storage units (B8 Use Class). These are in addition to the site's use as an Oil Refinery (B6 Use Class). The existing uses equate to 975.5sqm of industrial floor space, the proposed commercial use would have 610sqm. Proposals for mixed-use schemes should maintain or improve the amount of employment floorspace on site. Whilst the applicant claims there are no B2 uses on the site, these were evident during an officer's site visit, and Appendix 4 shows site photographs, and screenshots from internet searches for the site.
- 11.2 London Plan policy 4.14 Managing Industrial Land and Premises and Land for Industry and Transport SPG. Policy 4.14 of the adopted London Plan categorises LBRuT as Restricted Transfer of Industrial land to other uses. The new London Plan (Intend to Publish) is stricter, placing Richmond in the Retain Capacity category for the management of industrial floor space capacity.
- 11.3 Following the unplanned loss of industrial premises and the increased demand for industrial land the Mayor is seeking no net loss of industrial floor space capacity across London. Research for the GLA indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041. Draft Policy E4 states "A sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be maintained". It goes on to state that "low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Low-cost business space) taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, co-location and substitution (see Policy E7

Intensification, co-location and substitution of land for industry, logistics and services to support London's economic function)."

11.3 London Plan Intend to Publish version Paragraph 6.7.5 states that evidence to demonstrate 'no reasonable prospect' of Non-Designated Industrial Sites being used for industrial and related purposes should include: • strategic and local assessments 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 Development Plan Document), 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.

11.4 Adopted Local Plan Policy LP42 (Industrial Land and Business Parks) states that, the borough has a very limited supply of industrial floorspace and demand for this type of land is high. Therefore; the Council will protect, and where possible enhance, the existing stock of industrial premises to meet local needs.

11.5 With regard to retention of industrial floorspace; the policy sets out that there is a presumption against loss of industrial land in all parts of the borough. Loss of industrial space will only be permitted where:

- 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; and then
- 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, 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.

11.6 The submitted Marketing Report, prepared by Featherstone Leigh states the existing buildings are in a dilapidated condition having been on historic non-repairing (FRI) leases. It states that the existing workshops are constructed from corrugated metal with wooden windows and are no longer fit for purpose. The agents suggest the site is not viable in existing use. The applicants submitted information outlines that the current rent is £6.30 per square foot. With estimate rents of a redeveloped scheme to be £25.00 per square foot for B1a offices, and £10-12.00 per square foot for B2/B1(C) uses. Whilst it may be the case that employment sites used for office purposes may provide a higher yield, the policy requirement to move away from industrial land is clearly set out above and such a position does not justify an exception to this policy requirement.

11.7 As the application site is an industrial site, policy LP42 requires any development proposals to provide suitable replacement industrial uses and if it is not possible to replace the existing with industrial type uses (B1c/B2/B8/SG); a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative industrial or other such employment use completed over a minimum period of two continuous years is required identifying that there is no demand for the site in its current use. Appendix 5 of the Local Plan provides further details on marketing requirements.

11.8 If the Council is satisfied that a full and proper marketing exercise has been undertaken and that there is no demand for continued industrial use on the application site, then

redevelopment or change of use away from industrial use may be appropriate, provided the following sequential approach to redevelopment is adhered to as set out in LP42;

- The first step in the sequential test is consideration of alternative employment generating uses. These uses should include in the first instance B Use Classes such as offices and if these are not practicable then social infrastructure and community uses such as health clinics, nurseries and crèches, leisure facilities or other uses identified for community purposes.
- The second step in the sequential test is for mixed use development including other employment generating or community uses. Proposals for mixed use schemes should maintain or improve the amount of employment floorspace on site

11.9 The applicant suggests that the existing site is not compatible to the area given the surrounding residential context. Furthermore; the submitted marketing feasibility report suggests that there would be demand for various small employment units on this site, stating the units as proposed would be "*much sought after and yet very hard to find*" and affordable to purchase for SMEs.

11.10 Notwithstanding the above; in this borough, it is common for employment, particularly industrial sites to be within established mixed use or residential areas, because of historic development patterns. This does not provide justification for a change of use, as mitigation can address impacts and constraints such as narrow access, which have been managed by existing occupiers, and therefore do not prevent any future or continued employment use.

11.11 Until sufficient marketing evidence has been provided, the council maintains an in-principle objection to the loss of industrial floor space. Whilst it is noted that the appellant refers to past outbreaks of fire at the refinery as justification for the loss of a waste facility/ industrial floor space, this is not considered pertinent to the application.

11.12 In the absence of robust and compelling evidence to satisfy the criteria set out in Policy LP42 of the adopted Local Plan (2018), and due to the loss of approximately 860sq.m of existing industrial floor space; the proposal would result in the unacceptable loss of industrial space and would conflict with the local policy objectives of securing the long-term future of industrial sites in the borough.

11.13 The submitted proposals are therefore contrary to policy, in particular, the proposals fail to comply with the requirements of Draft London Plan Policy E4, Policy 4.14 of the adopted London Plan (2016) and Local Plan Policy LP42 (2018).

12.0 Mixed Uses (Residential and Commercial)

12.1 It is acknowledged that the proposed use of the site for housing is considered an inappropriate use in principle, given that the site is to be safeguarded as a waste site as well as the absence of sufficient marketing evidence to justify change of use of the site away from the existing industrial land use.

12.2 The site is located within the St Margarets local centre and identified as an Area of Mixed Use. Policy LP25 of the adopted Local Plan identifies that a combination of residential, retail, office, leisure and entertainment uses (mixed uses) could be suitable in Areas of Mixed Use, provided the use does not adversely impact on the vitality and viability of the centre, or other commercial uses. Further consideration should be given to centre's role and any development should be of a scale appropriate to the size and function of the centre. In particular; mixed-use proposals must ensure that the introduction of residential does not have any negative impact on commercial space (in terms of access, servicing, or any conflict

such as hours of operation, noise and between users of different uses), as well as providing an appropriate mix of uses in accordance with policy LP1 (A.6).

- 12.3 In this instance a suitable mix of uses should ensure suitability and compatibility of uses, taking into account any potential adverse impacts of the co-location of uses through the layout, design and management of the site, primarily serve the needs of the local community or attract visitors and develop cultural opportunities. Development should, wherever possible, include overall improvements and enhancements to centres where appropriate, and/or modernise outdated premises.
- 12.4 Encouragement for the delivery of new housing is also expressed within Policy 3.3 of the London Plan (2016) and Policy LP35 of the adopted Local Plan (2018); provided the housing provision is appropriate to the site-specifics of the location.
- 12.5 It is acknowledged that outside of this town centre location; the proposed housing mix (21% small units (1-beds)) is partly in accordance with policy LP35 (A), however it is prudent to note that this policy also requires the proposed housing mix to be appropriate to the site-specifics of the location. As outlined above; the application site is safeguarded as a waste management site under policy WLWP2 of the West London Waste Plan and the proposed loss of the existing waste management facility has not been justified.
- 12.6 As such; the introduction of residential use to this site as a replacement for the existing waste management site is considered an inappropriate use based on the site-specific circumstance. The proposed development therefore does not provide an appropriate mix of uses given that the proposed C3 use would not retain any of the existing industrial/waste management land use.
- 12.7 The proposed layout would also include two two-storey B1 commercial units that would be situated to the rear of the site and feature shared access with the proposed residential units. However, it is not clearly set out what the proposed use would be. Whilst it is acknowledged that the range of uses proposed is considered appropriate for an area of mixed use; it is necessary to consider the compatibility of the proposed mix of uses, including by taking account of any potential adverse impacts of the co-location of uses through the layout, design and management of the site.
- 12.8 Concerns are raised regarding co-location of commercial units and residential units through the proposed layout and design of the site. The proposed development would require that on any given day, commercial occupiers would be entering and exiting the site via the same ingress/egress as the proposed residential occupiers. This is particularly of concern given that the supporting Transport Statement (prepared by Caneparo Associates) identifies that the AM and PM peak periods for number of two-trips generated by the proposed residential units are at time periods when it would be likely that occupiers of a B1 commercial unit would be entering and exiting the site (08:00-09:00 and 17:00-18:00, respectively). In addition to the above; it is noted that the submitted proposed site plan (drawing no. 4786-3-10-Rev:B) does not provide any detail of proposed segregated pedestrian/cycling/vehicular access from Arlington Road.
- 12.9 Furthermore, with regard to servicing of the proposed uses, it is noted that the refuse and recycling collection is all proposed to be off-street; along with the projected six deliveries per day across the site. No information has been provided regarding servicing management of the proposals, particularly with regard to conflict between users and in the absence of sufficient evidence identifying otherwise; it is considered the proposed residential dwellings in this location, with commercial units being situated to the rear of the site would result in an unacceptable juxtaposition of the proposed mix of uses and give rise to inappropriate

conflict between users, to the detriment of the commercial use operation and the safety/amenity of residential users.

- 12.10 In light of the above, it is considered that the proposed residential led mixed use scheme would facilitate the unacceptable loss of an existing industrial land use currently safeguarded as a waste manage site, which in-turn would result in an unacceptable co-location of uses in terms of layout which fails to provide a suitable juxtaposition of the proposed mix of uses and gives rise to inappropriate conflict between users, to the detriment of the proposed commercial use operation and the safety/amenity of proposed residential occupants. As such, the scheme would fail to accord with the aims and objectives of policy LP1 (A.6) and LP35 (A) of the adopted Local Plan (2018) in this regard.

13.0 Financial Viability and Affordable Housing

- 13.1 Policy LP 36 of the adopted Local Plan (2018) expects the provision of a range of housing to meet the needs of all households, with a tenure split of 80% (social) rent and 20% intermediate housing. It further states that where employment land is permitted to be used for a residential use, this should be in the form of on-site affordable housing.
- 13.2 Further to the above, LP 36 of the Local Plan sets out that the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to the strategic borough-wide target and the individual circumstances of the site. The provision of affordable housing should be discussed with the Council's Housing Development Manager and Registered Providers who are interested in exploring opportunities and maximising funding opportunities. These discussions are required to show how comments raised by a Registered Provider have been addressed including an opportunity to influence the proposed tenure, size of units and design to address local priorities, and explore funding options to maximise provision.
- 13.3 Where affordable housing contributions are restricted due to economic viability, developers are required to provide a development appraisal to demonstrate that schemes are maximising affordable housing. The developer will be required to underwrite the costs of a Council commissioned economic viability assessment. The Council will rigorously evaluate such appraisals. Any financial contributions will be secured via a Planning Obligation.
- 13.4 In simple terms, the viability assessment process comprises a comparison of the residual land value (RLV) for the proposed development against an appropriate benchmark value (BLV) for the existing site or property. Development convention and guidance on assessing the viability of schemes states that where a development proposal generates a RLV which is greater than the appropriate BLV, it is deemed financially viable and therefore likely to proceed. Conversely, if the RLV is lower than the BLV, it is deemed financially unviable. This is based on the accepted assumption that a developer would always seek to bring forward the highest value scheme. The viability assessment process is undertaken to establish the appropriate level of planning obligations and maximum level of affordable housing in the instance where a policy compliant level is considered to be economically unviable.

13.5 1st Review

The initial proposal submitted with the application included four affordable units on site which equated to a 17% affordable unit provision out of the total 24 proposed dwellings. The proposed affordable units would be located within the small residential block to the south of the application site – units 21, 22, 23 and 24. This block comprises 2no. two-bed three-person flats both of which would have a gross internal area of 62m² and 2no. three-bed four-person duplex flats, with a total gross internal area of 101m². These units were proposed as shared ownership. This was considered to not comply with policy requirements, as it falls

below the percentage required, and does not meet any priority needs for rented affordable housing.

13.6 A Viability Assessment Report by Grimshaw Consulting (GC) was submitted as part of the application. The report suggests that the maximum reasonable amount of affordable housing that can be provided on site is 4no. apartments (2no. 2-bedroom and 2no. 3-bedroom) for sale on a shared ownership basis. Furthermore, the submitted report did not indicate that the proposals could provide a financial contribution in lieu of on-site provision. The applicant has not provided evidence of discussions with Registered Providers (RP) with regard to the site. Additionally, no contact was made with the Council's housing Department at the time of submission to discuss the availability of funding which is a requirement to demonstrate that on-site affordable housing has been maximised in accordance with policy.

13.7 The Viability Assessment Report by GC was reviewed by independent property consultants Bespoke Property Consultants (BPC), acting on behalf of the Council. BPC's review of the viability assessment found most of the inputs and assumptions used by GC to be reasonable. However, the BPC review identified a surplus of £1,588,00, meaning the scheme is viable and could provide additional S.106/Affordable Housing Contributions.

13.8 2nd Review

Following this, the applicant submitted a further 2nd report by GC dated December 2018 and asked for it to be independently reviewed by BPC. An updated 2nd review by BPC in February 2019 found that the main issues still in dispute were the build costs and Benchmark Land Value (BLV). BPC requested that the applicant provided further details on Network Rail costs and Carbon off-set costs to justify the value in the appraisal and stated that the BLV must be 20% not 30%. BPC concluded that the scheme is viable and can deliver on-site affordable housing. It is noted it was only at this stage that the Council's Housing Officer was contacted by the applicants, who advised them to speak to Registered Providers.

13.9 3rd Review

The applicant subsequently submitted a further 3rd report in April 2019 stating that they had contacted the Council's Housing Officer and it was agreed to consider only the viability position generated by a proposal for 100% market housing. Their report concluded that the maximum reasonable offer remained 4 units on a shared ownership basis.

13.10 The Council's Housing Officer raised further concerns following the 3rd report by GC. The units are considered to be poorly designed, the three bed units at 101sqm significantly exceed national design standards (84 sqm) and therefore involve unnecessary construction costs and their size would also impact on affordability as shared ownership homes. It is also considered that these could be re-designed as 5 or 6 person units which would then be suitable for use for affordable rent.

13.11 With regard to the range of income for intermediate housing, there is an upper cap on salaries set by the Greater London Authority (GLA) of £90,000 per annum for shared ownership. The LBRuT intermediate housing policy statement outlines that the Council expects, however, that two-thirds of scheme applicants will have an income up to £47,000 per annum. None of the units (currently offered as shared ownership) would be likely to be affordable at a household income of £47,000 as required by the Intermediate Housing Policy (even at the lower market value now assumed by the applicant). The Council's Housing Officer concluded that the scheme does not provide a policy compliant tenure mix nor maximise the delivery of affordable housing and the units that are provided would not meet the Council's affordability criteria for shared ownership homes.

- 13.12 The applicant requested that their report be independently reviewed for a third time by BPC. The 3rd review by BPC concluded that there was a surplus of £1,732,000, which would be available to fund on-site affordable housing.
- 13.13 The applicant's final 4th letter in response to BPC's review was submitted in June 2019 and offered a total of 8 units for London Shared Ownership, equating to 33.3% of the dwellings.
- 13.14 Whilst it is acknowledged that the offer of affordable units has increased from the original submission, the Council's Housing Officer maintains his objection to the scheme as the proposed tenure does not meet policy requirements, there is no inclusion of rented homes, nor do the majority of the proposed affordable housing provide family sized homes to meet the council's priority needs. Multiple reviews have been undertaken at the request from the applicants, and whilst certain aspects have been agreed with regards to their viability report, the overall offer is not considered to be acceptable.
- 13.15 The appellant's Statement of Case states that the reason for refusal is not justified owing to their clear viability evidence supporting 33.3% provision on site (8 units). The Council disagrees with this statement and remains concerned that the proposal is not maximising an affordable housing contribution. It is noted that there has not been the opportunity to consider the potential for grant to alter the tenure/ improve the unit numbers. The Council considers that an updated position on viability will be undertaken closer to the date of any appeal.
- 13.16 Based on the outcome of the independent assessment by BPC and the lack of evidence of any engagement with Registered Providers; the LPA is not satisfied that the proposed scheme, with the inclusion of eight shared ownership units, represents the best viable option for the site and it is not considered that the maximum reasonable contribution to affordable housing would be achieved. The proposal would fail to meet the Council's priority housing needs and would fail to accord with the aims and objectives of the NPPF, London Plan Policy 3.13 and Local Plan Policy LP 36 of the adopted Local Plan (2018). Furthermore, the scheme would not accord with the Mayor's Affordable Housing & Viability SPG and the Local Planning Authority's Affordable Housing SPD.

14.0 Design

- 14.1 The NPPF attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. New developments are encouraged to respond to local character and history and reflect the identity of local surroundings and materials. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 14.2 Policy LP 1 of the adopted Local Plan (2018) states that new development must be of a high architectural and urban design quality. Development must be inclusive, respect local and contribute positively, to its surroundings based on a thorough understanding of the site and its context. LP 2 of the adopted Local Plan expands on this by explicitly requiring new buildings to respect and strengthen the setting of the borough's townscapes and landscapes, through appropriate building heights.
- 14.3 Taller Buildings will be inappropriate in all areas of the borough except the identified areas within Twickenham and Richmond. Further clarification regarding the definition of tall buildings is provided in the supporting text to Policy LP2 of the Local Plan, which indicates a tall building is defined as being substantially taller than their surroundings or causes a

significant change to the skyline and 'taller' buildings are defined as those being significantly taller than the neighbouring buildings, but less than 18 metres in height (below six storeys). This definition is supported by Policy 7.7 of the London Plan.

14.4 Height, Massing and Landscaping

Extension to Commercial Units

No concerns are raised regarding the proposed two-storey side extension to the existing BTM adjacent the railway. The proposed extension to the existing western BTM would follow the same style and scale as the existing building; with similar external facing materials. The proposed extension would integrate with the existing building appropriately so as to ensure that it harmonises with the historic character of the existing buildings.

14.5 Given the siting of the proposed two-storey side extension; it is noted that this element of the proposals would generally be obscured from view from within the public realm. Nevertheless; given its scale and design; it is not considered that the proposed ground and first-floor extensions would negatively impact the existing character of the host Building of Townscape Merit, the application site, nor the surrounding area in general.

14.6 *Residential New Builds*

The existing corrugated steel-clad industrial buildings on the application site are of no historic or architectural merit, are in a poor state of repair and is heavily dilapidated.

14.7 The site is clearly visible from the adjacent railway line and the residential dwellings to the north-west of the railway, with some distant views (approx. 150m) afforded toward the site from the railway bridge along St Margarets Road to the south west of the site. The existing site is not considered to detract from the visual amenity of the street-scene given the lack of frontage to the existing streetscape. However, it is noted that the existing buildings are of an unsightly appearance and the site is generally untidy. As such; the existing application site is considered to detract from visual amenity and character of the surrounding area in general, particularly in those views afforded toward the site from the railway line to the north west and the existing residential dwellings beyond.

14.8 Notwithstanding the in-principle objections raised with regard to the change of use of the site; it is acknowledged that the demolition of the existing steel-clad buildings and refurbishment of the existing Buildings of Townscape Merit would offer an opportunity to enhance the appearance of the application site.

14.9 The East Twickenham Village Planning Guidance SPD identifies the general character of the surrounding area as part of the former Twickenham park, which was developed with houses from the mid-nineteenth century. 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. The west side of Arlington Road features blocks of flats from the first half of the twentieth century. It is noted that the ground-floors of these flats are generally below street level with the blocks of flats generally extending up to four-storeys in height (above ground-floor level) or three-storeys (above ground-level) with roofspace accommodation. Adjacent to the application site's entrance off Arlington Road, is two 1960's era blocks of flats, one three-storeys with gabled roof (to the south) and one four-storey block of flats with flat roof forms and integrated balconies. Immediately adjoining the site access road to the south is the Twickenham Film Studios site, with a four-storey brick building generally obscuring view of the application site from within the Arlington Road street-scene.

- 14.10 To the north of Arlington Road, continues Arlington Close; which features a short two-storey inter-war residential terrace, as well as single-storey (with roof-space accommodation) semi-detached dwellings fronting the western side of Arlington Close further north.
- 14.11 To the south of the application site is Kelvin Drive, a small cul-de-sac which leads to The Barons at its south. Kelvin Drive features three-storey flats constructed c.1930, with the same development extending into The Barons.
- 14.12 There are numerous buildings (or groups of buildings) within the immediate surrounds of the application site where the predominant height is generally three-storeys, with a small number of examples which are four-storeys in height and/or feature accommodation at roof level, that give the impression of additional upper floors of accommodation. Consequently, it would be inappropriate to ignore the contribution which these buildings make to the character of the wider area.
- 14.13 With regard to the main residential block; although larger than the existing buildings it would replace, and taller than the existing two-storey mews buildings; the design of the roof (upper floor), together with its setback from the front and southern side elevation of the building, would allow for the development to be visually read as a three and four-storey building when viewed from the public realm and from private views towards the building both from outside of, and from within the application site, particularly in the context of the immediately adjacent four-storey Twickenham film studios building sited along the common boundary to the west.
- 14.14 For the above reasons, the proposal cannot be described being substantially taller than the surroundings or cause a significant change to the skyline, and so would not meet the criteria for a tall and larger buildings. The proposal would therefore not conflict with Policy LP2 of the adopted Local Plan (2018) which indicates that taller buildings would be inappropriate in this location.
- 14.15 Notwithstanding the above, whilst the proposed main residential building is not considered to represent a taller building within the context of the surrounding locality, concerns are raised that the scale of the proposed main residential block would fail to relate to the existing pitched-roof stable mews buildings (BTMs) to the south-west corner of the application site. The proposed separation distance of approx. 5.0m between the southern side elevation and the adjacent northern side level of the stable blocks to the south would not create an appropriate visual separation between the existing BTMs and the proposed main residential building. The existing BTMs feature an eaves height of approximately 6.1m, with the southern eaves height of the proposed main block sitting at approximately 10.0m. The proposed disparity in eaves height of approx. 4.0m, combined with the separation distance of approximately 5.0m would result in the main residential block subtending an angle of approximately 40° to the horizontal, when measured from the eaves height of the existing stable mews buildings. As such, it is not considered that the proposals would successfully link the smaller scale of the two-storey BTMs to the south, to the larger scale of the three-storey southern elevation of the proposed main residential block. Furthermore, the proposed approx. 13.0m length of the main block's southern side elevation, combined with the abovementioned height and separation distance to the BTMs would exacerbate the vast difference in scale bulk and mass proposed. The combined height and footprint of the proposed main residential block's southern elevation would therefore appear over dominant and fail to fit comfortably within the rhythm of the application site. The visual impact of the proposal has been illustrated through computer visualisations, and whilst it is not considered that the proposed building would appear out of place from within the streetscape of the area, it is considered that the concerns raised above would result in a cramped and contrived form of development which appears as an over intensification of the application site.

- 14.16 The proposed rear elevation of the main residential building is modulated through the use of recessed features (roof terrace) projecting balconies and stepped frontages, with two large glazed 'atrium' style openings which break up the otherwise strong horizontal emphasis. These design features would help break up the overall scale and massing of the building and give the rear elevation a distinctive rhythm and vertical emphasis in order to provide it with its own identity in the context of the surrounding, somewhat utilitarian development of the Twickenham Film Studios site.
- 14.17 The proposed front elevation similarly features some recessed features (roof terrace, metal panels), stepped building lines and projecting balconies. However, the proposed front elevation would feature a much stronger horizontal emphasis, with minimal visual breaks in the main building line and is dominated by stacked projecting balconies across the entire elevation. The proposed front elevation would not display the same visual interest as the rear elevation and with little vertical emphasis over four-storeys; would unsuccessfully break-up the mass and scale of the proposed building. As such; the front elevation of the proposed main building would appear visually dominant and incompatible due to the constrained nature of the application site.
- 14.18 The proposed smaller residential block at the rear of the site, at three-storeys (top floor in roof space), would be lower than the proposed main building, however it would be approximately 1.60m higher than the existing BTMs ridge height and approximately 3.70m taller than the existing BTMs eaves height. The proposed smaller block would be sited adjoining the rear elevation of the existing south-eastern stable-building (BTM). Furthermore, the proposed smaller residential block's second-floor eaves height would protrude approximately 700mm above the eaves of the adjoining BTM. With its flat roof forms and large glazed openings dominating its front and rear elevations, the proposed smaller residential block, by reason of its scale, flat-roof forms and eaves height at both second and third-floor level (roof level), would offer no visual relationship to the existing BTM to which it would be joined. The proposed smaller unit would appear as a visually dominant and incongruous form of development which detracts from the visual amenity of the application site. Furthermore, this element of the proposals would exacerbate the visual imposition on the existing stable buildings which would occur as a result of the proposed development.
- 14.19 The scheme would introduce two new soft landscaped areas to the site. One small landscaped area to the rear of the main residential block, and one larger communal space to the rear of the smaller residential block. It is also proposed to introduce a small planted buffer to the frontage of the proposed main residential block, adjoining onto the north-west side of the hard-landscaped driveway area. The existing hard-landscaped area between the BTMs to the rear of the site is proposed to be repaired and reinstated to the full length of these stable buildings. Whilst concerns remain regarding the functionality and usability of the proposed site layout; it is noted that the existing site is 100% impermeable and does not feature any existing planting. As such; it is considered that the proposed landscaping would provide somewhat of an improvement to the visual amenity of the application site and therefore the LPA would not be able to sustain a reason for refusal on this basis.
- 14.20 Had the scheme been considered acceptable; any planning permission granted should be subject to appropriately worded conditions requiring details of hard and soft-landscaping to be submitted to and approved in writing by the Local Planning Authority.
- 14.21 Materials and Appearance
Extensions to Commercial Buildings
 Given the proposed external facing materials would match those of the adjoining BTM; it is considered that the proposed materials of this element of the scheme would suitably harmonise with the host building. As such, no objections are raised in this regard. Similarly, no objection is raised with regard to the proposed and altered fenestration arrangement to

the existing BTMS, which would be of a design and layout which remains suitably in scale and proportionate to the host buildings.

14.22 *Residential New Builds*

The relatively understated design, with a simple repetitive treatment to the elevations would make a neutral contribution to a varied rhythm and texture of the facades of the buildings in close views, while the contrasting roof materials, brick detailing and use of large glazed elements would add visual interest to longer views.

14.23 The proposed apartment blocks would be contrasting in their contemporary appearance and form, to the more traditional Victorian detailing of the stable terraces. However, the consistent use of matching yellow London stock brickwork would ensure there is some sense of integration and continuity. This would also ensure that the proposed buildings would appear to relate to the stable terraces (BTMs) when viewed from the railway. It is proposed to refurbish the existing stable terraces (BTMs), with the cleaning off of built-up soot residue, exposing the brighter, original brickwork appearance, which would further ensure that the materials used in the proposed residential buildings would appear to relate to these existing BTMs.

14.24 The use of high-quality stock brick and contrasting metal cladding and glazing within the proposed modern buildings would complement the surrounding more traditional stock brick and red brick of the adjacent Twickenham Film Studios, providing a unifying feature. It is considered that the use of matching brickwork on the proposed balconies with a contemporary 'hit-and-miss' layout, however this would not overcome the concerns raised regarding the proposed projecting balconies displaying little visual interest and a strong horizontal emphasis when viewed in the context of the proposed front elevation of the main residential block.

14.25 The proposed zinc clad setback roof and zinc clad stair core surrounds have been incorporated as an attempt to reference the existing industrial character of the site, with windows and doors proposed to have matching grey metallic finished frames. to ensure that the scheme would harmonise with the surrounding development; details of external materials (including fenestration) would have been required by condition; had the scheme been acceptable.

14.26 Design Conclusion

The proposed two-storey extension to the western most existing BTM to the rear of the site would not detract from the character and visual amenity of the application site, nor the surrounding locality. Whilst no concerns are raised regarding the proposed materials; this would not overcome the concerns raised with regard to the visually dominant and incompatible design of the proposed front elevation, and the visual imposition of the proposed smaller residential block in relation to the existing BTMs, to which it would be joined.

14.27 In light of the above, the overall siting, footprint and mass, of the proposed main residential building, combined with the height and siting of the proposed smaller residential building; would fail to be of an appropriate scale for the size of the application site without being overly dominant. The proposed development would therefore, result in an inharmonious form of overdevelopment, failing to accord with Policies LP1 and LP 39 of the Local Plan (2018).

15.0 Impact on Heritage Assets (both designated and non-designated)

15.1 The application site is not situated within, or adjoining a Conservation Area, nor does it relate to any Statutory Listed Buildings or Scheduled Monuments. As such; it is not considered that

the proposed development would detract from the significance, including the setting of any designated heritage assets.

- 15.2 *Policy LP 4 of the adopted Local Plan seeks to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit (BTM) memorials, particularly war memorials, and other local historic features.*
- 15.3 As mentioned above, by virtue of the scale, height and siting of the proposed main residential block and the siting and height of the proposed smaller residential block, it is considered that the proposals would introduce new built elements to the application site that would be overly dominant and inharmonious with regard to the non-designated heritage assets on the site. When considering the impact on the existing BTMs, it is acknowledged that their character and significance are best appreciated in close views, particularly from within the application site. As a result, the existing BTMs are not considered to greatly contribute to the visual amenity and character of the surrounding locality and streetscene. Nevertheless, adopted policy LP4 of the Local Plan seeks to preserve and *enhance* the significance, character and setting of non-designated heritage assets.
- 15.4 Whilst unsightly as a result of their age and existing use, the existing buildings on site which are proposed to be demolished are single-storey and are not considered to significantly impact on the setting of the BTMs to the rear of the site. With uninterrupted views afforded toward the existing stable buildings from the northern end of the application site, it is considered that the setting of these BTMs within the context of the site is, at present, somewhat preserved.
- 15.5 The proposed development would result in the complete removal of any views toward these buildings, preventing any visual appreciation of the non-designated heritage assets when viewed from the north. The submitted design and access statement acknowledges that the existing stable buildings have become somewhat 'land-locked' by the development of Twickenham Film Studios and Arlington Works over much of the last century. The proposed development would exacerbate this issue, and would not preserve the setting of these buildings, to the detriment of the special historical interest of the BTMs in question.
- 15.6 With regard to the proposed smaller residential block; this element of the proposals, by reason of its scale, flat-roof forms and eaves height at both second and third-floor level (roof level), would offer no visual relationship to the existing BTM to which it would be joined. The proposed smaller unit would appear as a visually dominant and incongruous form of development which detracts from the visual amenity of the application site. Furthermore, this element of the proposals would exacerbate the visual imposition on the existing stable buildings which would occur as a result of the proposed development.
- 15.7 Whilst it is noted that the proposed works to improve the appearance of the BTMs and refurbishment/extension of the cobbled pavement between these buildings would be welcomed; this would not overcome the concerns raised with regard to the proposed development of the residential blocks appearing overly dominant and incompatible in relation to the setting, scale and height of the stable block BTMS.
- 15.8 As a result, the impact on the setting of the non-designated assets is judged to detract from the existing on-site circumstance given that the proposals would appear overly dominant and would not fit comfortably within the application site. The proposed development would therefore fail to accord with the aims and objectives of policy LP4 of the adopted Local Plan (2018).

16.0 Density

- 16.1 *The London Plan outlines the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city and with public transport accessibility.*
- 16.2 The site has a relatively low Public Transport Accessibility Level (PTAL) of 2 which represents a poor access to services, and its setting can be classified as urban in character. The London Plan density matrix (Table 3.2), therefore, suggests a residential density of between 200 to 450 habitable rooms per hectare, or 70 to 120 dwellings per hectare, for this scheme. The proposed development of 24 units proposes 149 habitable rooms/hectare and results in a residential density of 79.2 units/hectare.
- 16.3 The proposal therefore does not meet the suggested density for units/hectare but falls within the suggested density for habitable rooms/hectare. It is acknowledged that the density ranges recommended in the London Plan should not be applied mechanistically and it would be more appropriate to assess whether the proposed building fits acceptably onto the site, is of sufficient high quality of design, appropriate to its context, and does not harm local residential amenity.
- 16.4 It is considered that the proposed residential density is appropriate for the site, this is due to the appropriate housing mix for the location and the fact that the proposed development has not been found to cause harm to residential amenity of neighbouring, nor future occupants.
- 16.5 Notwithstanding the above; whilst it is considered that the scheme would provide an appropriate residential density; this benefit would not outweigh the harm caused by the proposed development with regard to loss of a safeguarded waste site and unjustified loss of an existing industrial land use, among other concerns raised within relevant sections of this report.

17.0 Housing Mix, Standard of Accommodation and Play Space

- 17.1 *LP 35 of Local Plan seeks that development should generally provide family sized accommodation, except within town centres and Areas of Mixed Use and that housing mix should be appropriate to the location. All new housing units are required to comply with the Nationally Described Space Standards and appropriate external private and/or communal amenity space necessary to meet the needs generated by the users of the development.*
- 17.2 *Policy LP8 requires that developments will be required to protect the amenity and living conditions of the new occupants of new development. Policy LP10 of the Local Plan requires that the local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of new users or occupiers of the development site.*
- 17.3 *Further to the above, a single bedroom should be at least 7.5sqm and 2.15m wide. A double should be 11.5sqm and 2.75m wide. The London Plan suggests that head height should be at least 2.3m for a minimum of 75% of the gross internal floor area. The minimum internal space and external space standards are as follows:*

Table 2 - Minimum internal space and external space standards:

| Unit Type | Net internal Floor Area | External space standards |
|--------------------|-------------------------|--------------------------|
| One-bedroom (1B2P) | 50sq.m | 5sq.m |
| Two-bedroom (2B3P) | 61sq.m | 6sq.m |

| Unit Type | Net internal Floor Area | External space standards |
|--------------------------------------|-------------------------|--------------------------|
| Two-bedroom (2B4P) | 70sq.m | 7sq.m |
| Three-bedroom (3B4P) (single storey) | 74sq.m | 7sq.m |
| Three-bedroom (3B4P) (single storey) | 84sq.m | 7sq. m |

17.4 *Policy LP 35 of the Local Plan requires that all new homes should be built to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% would be expected to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'.*

17.5 Housing Mix

The proposed housing mix would comprise of 20.8% small units (5 one-bedroom units), 50% of two-bedroom units and 29.2% three-bedroom units. Policy LP35(A) seeks family sized accommodation outside of main centres and Areas of Mixed Use. The policy does recognise the housing mix should be appropriate to the location and in this instance, it is acknowledged that proposed residential mix would be broadly in accordance with the surrounding locality. Notwithstanding the above, whilst the residential unit mix is considered appropriate to the location in isolation; this does not overcome the aforementioned concerns raised with regard to the unacceptable mix of uses on this site.

17.6 Quality of Residential Accommodation

The units would have Gross Internal Areas (GIA) of 51sqm for the 1-bedroom units; 62-78sqm for the 2 bed units and 76-101sqm for the 3-bedroom units. All proposed unit types would comply with nationally described space standards in terms of overall size and bedroom size. The number of dwellings accessed from a single core would not exceed five, and none of the units have been identified as not meeting the required standard.

17.7 External amenity space

The proposal provides private amenity space to 22 of the 24 proposed dwellings (ranging from 8.8sq.m - 35.7sq.m). The two ground-floor flats within the proposed smaller block would not include private amenity space.

17.8 The proposal includes a total area of approximately 291sqm of communal amenity space, that would be include approximately 117sqm of communal space to the rear of the main residential block, and approximately 174sqm to the rear of the smaller block. Whilst the proposed communal space to the rear of the main block appears somewhat cramped and contrived; given each of the units within this building would be provided with policy compliant private amenity space; it is not considered that this would render a reason for refusal in this instance. Furthermore; the two units which would not be provided with suitable private amenity space would have direct access to the communal area at the rear of the small residential block. As a result, this space would be considered a usable, functional and safe, amenity space for the requirements of the development.

17.9 Whilst the under provision of private external amenity space to some units is unfortunate, on balance, it is considered that due to the mixed-use location, the overall shortfall in private amenity space provision could be made up through the incorporation of the proposed shared amenity space to the rear of the smaller residential block.

17.10 Children play space

Policy LP31 of the adopted Local Plan seeks to maintain, and where possible, improve the children 'sand young people's play facilities in the borough. It is outlined that new development, where the estimated child occupancy is ten children or more, could lead to increased usage of, and therefore place additional burdens and strains on existing facilities.

Consequently, developers for major applications will be required to submit a child occupancy assessment in line with the Mayor's child yield calculator.

17.11 Local Policy requires, in accordance with the Mayor's SPG on Shaping neighbourhoods: Play and Information Recreation (2012), developments with a child occupancy of 10 children or more to ensure there is appropriate play provision to meet the needs arising from developments.

17.12 In considering play space requirements for a development site, the Mayor's SPG sets out the following requirements:

Table 3: provision of play space to meet the needs of new development

| | Actual Walking Distance | Under 5s | 5-11 year olds | 12+ year olds |
|-----------------------|-------------------------|----------|----------------|-------------------------------|
| No Existing Provision | Within 100m | On-site | Off-site | Off-site provision |
| | Within 100-400m | On-site | On-site | On-site or off-site provision |
| | Within 400-800m | On-site | On-site | On-site |

17.13 It is noted that the Council's and appellant's play space figures differed. The appellant's state that 57.5sqm of play space is required. The Council has used the Mayor's SPG Child Yield Calculator which estimates that the expected child population the proposed development would yield 10.9. Based on the Mayor's Play Space SPG, a requirement of 86.5sqm of child play space is required.

17.14 The appellant has stated that due to the site constraints, it is not practical or feasible to deliver play space on site and that the area is well served with parks and gardens which contain play park within a 15-minute walk of the site (including Moormead and Bandy recreation ground, Marble Hill Park and Cambridge Gardens and playpark).

17.15 Notwithstanding the above; the adopted policy (Local Plan (2018) and London Plan (2016)) is clear in setting out when on-site provision is required for specific age groups. Where there is no existing play space provision within 400m - 800m; on-site provision of play space is required for under 5's, 5-11 year olds and 12+ year olds.

17.16 Whilst the applicant seeks to rely on the nearby parks and public open space outlined above; it is noted that the nearest park, being Marble Hill Park is located approximately 700m from the application site and therefore; on-site provision is required in order to accord with the aims and objectives of Policy LP31 of the Local Plan and the Planning Obligations SPD.

17.17 Whilst it is acknowledged that the proposed outdoor communal area to the rear of the smaller residential block could be dedicated as children's play space to provide the required play space; doing so would remove any access to a functional; safe and useable outdoor amenity area serving the ground-floor flats (units 21 and 22) of the smaller residential block. As such; the provision of the necessary play space would compromise the shared amenity space and detract from the residential amenity of future occupants of these dwellings.

17.18 It is acknowledged the appellant is willing to pay off-site contribution, however an off-site contribution is not considered appropriate for the 0-5s or 5-11s groups in this application. There are no play areas or open spaces within the 400m walking distance appropriate for these age groups. Therefore, in the absence of further details identifying the siting and capacity of identified play space to accommodate the children arising from the development, the Council maintains it's objection on these grounds.

17.19 In light of the above; it is considered that the proposed development, by reason of its insufficient provision of on-site children's play space, would 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 SPD (2014).

18.0 Highways and Transportation

18.1 *Policy LP44 outlines that higher trip generating development should only be permitted in areas which are accessible by transport other than the private car. All new developments must be designed to improve accessibility, including pedestrian and cycling links. Additionally, proposals for major developments will be required to maximise opportunities to provide safe and convenient access to public transport. Policy LP44 further emphasises that new development should not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks.*

18.2 *Policy LP45 of the Local Plan requires new development to make provision for the accommodation of vehicles (cycle, 2 wheels and, where applicable, lorry Parking and electric vehicle charging points) in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land.*

18.3 *Paragraph 109 of the revised NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

18.4 A Transport Assessment (TA) has been submitted as part of the application, which examines the effects of the proposed development on the local highway network and surrounding public transport facilities. It also considers issues such as servicing the development, vehicular access and the effect of the development on the pedestrian environment and cycle routes.

18.5 Vehicle Trip Generation and impact on road network:

For the purpose of estimating the net trip generation, the applicant compared the estimated daily trip generation of the proposed residential use to the existing industrial use (B2). A CCTV camera was installed in order to record movements to/from the application site on Tuesday 19th June 2018 from 00:00 - 24:00. The results provided within the submitted Transport Assessment suggest that a total of 33 trips were made to/from the site on this day, with two peak periods identified between 08:00-09:00 and 16:00-17:00. A total of 9 trips to/from the site were recorded during the AM peak period and a total of 8 trips to/from the site were recorded in the PM peak period.

18.6 The findings of the estimated trip generation of the proposed development based on TRICS data (Trip Rate Computer Information System), demonstrates that the estimated trip generating potential of the proposed residential element would be low and not noticeable to other transport users, nor have a material impact on the operation of local transport modes. Additionally; the submitted transport assessment outlines that when compared to the existing vehicle activity at the site; the proposed scheme would generate significantly fewer vehicle trips.

18.7 The council's transport planning officer has raised no objections to the proposed development with regard to trip generation and impact on the road network.

18.8 Cycle and Car Parking

The site is within an area with a public transport accessibility (PTAL) score of 3. Appendix 3 of the London Borough of Richmond's current Local Plan states that B1 land use proposals must provide off-street parking spaces in accordance with the maximum standards set out in Policy 6.13, Table 6.2 of the adopted London Plan (2016) which states that 1 space must be provided per 300m² of gross internal area floorspace. Plan No. 4786-3-10-B shows that the applicant proposes two spaces in the south-western corner of the site near to the proposed offices.

18.9 Vehicular Parking south of the Access Road for other Commercial Uses

The site is accessed via a shared space private access road to the west of Arlington Road. Immediately to the south of the access road and partly outside of the applicant's red line boundary shown on Plan No. 4786-3-10-B are 18 perpendicular parking spaces that are part of the under-croft of the commercial building used by Twickenham Studios. A site visit on 10 June 2020 and found that Twickenham Studios use 7 of these spaces and the remaining 11 are used by other employees working in the vicinity of the site. The applicant proposes 7 parallel parking spaces on the northern side of this shared space access road which would be allocated to residents. These are 6m x 2.3m.

18.10 The applicant also wishes to change the existing 18 perpendicular spaces on the southern side of the road so that the area immediately south of the red line boundary of the site would be 5 parallel spaces. These are labelled S1-5 on Plan No. 4786-3-10-B, which it is assumed stands for "studio" as in for use by employees of Twickenham Studios. This is confirmed in Para. 6.12 of the applicant's transport statement. Therefore, vehicular parking overspill of up to 13 vehicles, including two driven by employees of Twickenham Studios, could be created at times when the commercial buildings in which users of the current spaces work are in operation.

18.11 For this reason, the applicant should have conducted a vehicular parking stress survey of all streets within 500m of the site at which the 18 employees work during the times of operation of their workplaces in accordance with guidance set out in the Lambeth Parking Survey Methodology. No such parking stress survey has been submitted with the transport statement. The proposal therefore could be considered as contrary to Local Plan Policy LP45, Para. 1, which states that:

18.12 *The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car-based travel including on the operation of the road network and local environment and ensuring making the best use of land. It will achieve this by:*

1. *Requiring new development to provide for car, cycle, 2 wheel and, where applicable, lorry parking and electric vehicle charging points, in accordance with the standards set out in Appendix 3. Opportunities to minimise car parking through its shared use will be encouraged.*

18.13 However, this policy appears to refer only to new developments, not new developments having to accommodate the parking needs of occupants of buildings in the vicinity of them. Therefore, it is considered unreasonable to maintain a planning refusal on this basis.

18.14 This site is located within controlled parking zone (CPZ) S – St. Margaret's South, which operates between 10.00 and 16.30, Monday – Friday. Occupants of Twickenham Studios are eligible for on-street vehicular parking permits to allow them to park on street within the CPZ at times of its operation. However, there is no evidence to suggest that occupants of any other commercial building in the vicinity of the site are, including the existing Arlington

Works site. The Local Planning Authority can exclude occupants of new developments from CPZs in accordance with Para. 11.2.2 of the Local Plan, but not existing ones.

18.15 The access road has a wall to wall width of 9.4m between the northern frontage of the building immediately south of the red line mentioned above and the northern boundary wall of the site. It is noted that the applicant proposes a two-way shared space access road. This must have a minimum running lane width of 4.1m to allow two cars to pass each other safely, and to allow a large vehicle to pass a cyclist. Therefore, it must be demonstrated that the appellant has sufficient control of the land immediately south of the red line on the access road to be able to turn the current perpendicular spaces into parallel ones. In the absence of these details, the Local Planning Authority maintains the planning refusal as it has not been demonstrated that the appellant has legal control of the appropriate land to provide safe and suitable access to the site for all road users in accordance with Para. 108B of the National Planning Policy Framework (NPPF).

18.16 Vehicular Parking for the Residential Land Use

The applicant intends to build 24 flatted dwellings (5 x 1-bed, 12 x 2-bed, 7 x 3-bed). To accommodate this, they intend to provide 21 vehicular parking spaces.

18.17 Appendix 3 of the Local Plan states that sites with this accommodation schedule in an area with a PTAL score of 3 should provide up to 1 space per dwelling for 1-2 bed dwellings and up to 2 spaces per dwelling per 3-bed dwelling. The applicant would need to provide 31 spaces to achieve these maximum standards. Therefore, there is a risk that the residential aspect of this development might create overspill of up to 10 cars overnight on surrounding streets. Para. 11.2.3 of the Local Plan states that:

18.18 *Developers may only provide fewer parking spaces, including car free schemes, if they can demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability, amenity, street scene, road safety or emergency access in the surrounding area, as a result of the generation of unacceptable overspill of on-street parking in the vicinity. In general it is expected that in PTAL areas of 0-3 the standards should be met. In PTAL areas of 4-6, parking provision at a level lower than the standard 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.*

18.19 The applicant has provided an on-street parking stress survey which, for the most part, has been carried out in accordance with the London Borough of Richmond's current draft Supplementary Planning Guidance (2006). They have counted one space as being 5m in length and have carried out the survey on all streets within 200m walking distance of the site. However, the draft guidance states:

18.20 *In order to assess the parking stress the tabulation must calculate the number of parked cars shown on the results map of each survey, against total available space calculated from the inventory survey and add the shortfall anticipated from the development using the Council's parking standard maximums.*

18.21 *LBRuT will consider appropriate extant planning permissions in the area and if stress levels are calculated at 85% stress or more LBRuT will raise an objection on the grounds of saturated parking, highway safety and undue harm to neighbour amenity.*

18.22 Were these standards to be strictly adhered to, the shortfall (maximum standards – the number of spaces the applicant proposes), could push stress levels within the surveyed area up to 84% on an early Wednesday morning, to 91% on an early Friday morning, and

to 83% at weekends, and to 87% on average. The applicant should have conducted the two weekday surveys on Monday-Thursday but has conducted one of them on Friday morning.

18.23 However, the Council has cross-referenced this data by examining household car ownership data among households of two or more people living in flats within the Census 2011 Mid and Local Level Super Output Area (MSOA) of Richmond 009 and the Local Level Super Output Area (LSOA) of Richmond 009B respectively. Within the MSOA, car ownership among households of this type and size stood at 0.99 vehicles per dwelling. Within the LSOA car ownership among households of this type was 0.93 vehicles per dwelling. Therefore, the applicant would need to provide up to 24 spaces to accommodate parking needs of households of this type within the MSOA and 21 spaces to accommodate households of this type within the LSOA. This gives a shortfall of up to three spaces.

18.24 Bearing this in mind, and the wording of Para. 109 of the NPPF, which states that:
Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe,

18.25 The Council does not wish to defend refusal on the reason that the proposal would create overspill parking that would lead to an unacceptable impact on highway safety, subject to the appellant entering into an agreement under S106 of the Town and Country Planning Act 1990 to preclude any occupant of the new development from purchasing vehicular parking permits within any CPZ within the Borough. This is in accordance with Para. 11.2.2 of the Local Plan and Para. 108C of the NPPF.

18.26 The proposal would include 42 residential cycle parking spaces to be provided within a secure cycle storage room within the northern elevation of the main residential block. There would be 8 cycle parking spaces provided for the commercial tenants within a secure cycle storage unit to the rear of the application site. Whilst indicative details have been provided regarding the location of the proposed commercial and residential cycle parking, it is considered necessary to ensure the satisfactory provision cycle parking within the development through imposing an appropriately worded condition on any future planning permission. Such detail would be required to specify the details and final location of the cycle parking arrangements and precise details of the cycle storage facility, including its security.

18.27 Servicing and Deliveries Servicing and Construction

The submitted application does not provide sufficient detail regarding the management of servicing and deliveries at each of the proposed commercial units. As these units are relatively far from the entrance to the site, would require that service vehicles/operatives operating through a residential area, and the end users are unknown, had the scheme been considered acceptable; it would be appropriate to impose a condition on any permission that requires the submission of further details regarding the delivery and servicing requirements of each of the respective commercial units.

18.28 Noise and air pollution caused during the construction phase would need to be managed through a construction management plan to control hours of deliveries and work, and to ensure that safe and efficient traffic operations are undertaken and maintained during the construction works. In addition, an Air Quality and Dust Management Plan to is required so to mitigate air pollution resulting from demolition/construction activities.

18.29 It should be noted that statutory nuisance legislation would apply through Environmental Services. It is therefore essential that a construction management plan is submitted to and agreed by the local planning authority, prior to the start of any works. Had the scheme been

considered acceptable; the above-mentioned conditions would be attached to any future planning permission.

19.0 Energy and Sustainability

- 19.1 London Plan Policy 5.2 Minimising Carbon Dioxide Emissions states that proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Policy 5.2 further states that carbon dioxide reduction targets should be met on-site or where clearly demonstrated this is not possible the shortfall may be provided off-site or through a cash-in-lieu contribution to secure savings elsewhere.
- 19.2 The council will seek to reduce its carbon dioxide emissions and require the evaluation, development and use of decentralised energy in new development and seeks an increase in the use of renewable energy on-site.
- 19.3 Adopted policy LP20 promotes and encourages development to be fully resilient to the future impacts of climate change in order to minimise vulnerability of people and property, new development should minimise the effects of overheating as well as minimise energy consumption in accordance with the councils cooling hierarchy.
- 19.4 Policy LP 22 of the Local Plan requires major applications such as this, to achieve zero carbon standards in line with London Plan policy. Additionally, it is also required that new developments conform to the Sustainable Construction checklist, meet the targets for water consumption, i.e. 105 litres / person / day for new homes and that all new non-residential buildings over 100sqm will be required to meet the relevant BREEAM 'excellent' standards.
- 19.5 The commercial units would achieve the required BREEAM 'Excellent' rating.
- 19.6 The development would adopt a number of sustainable features, including a combination of passive design measures (enhanced fabric efficiency of the building envelope, passive solar gain, natural daylighting, air leakage, inter alia), active design (efficient air, lighting and plant systems) and renewable energy technologies (photovoltaics and air source heat pumps) results in the development would achieve a 35.16% reduction over the 2013 Building Regulation standards. The reduction in emissions from renewable technologies would equate to 27.29%.
- 19.7 However, the proposal does not meet the zero carbon homes policy targets. The residual carbon dioxide emissions from the proposed residential units have been calculated as 15.612 tonnes. A zero-carbon payment to offset the 468.36 tonnes of CO₂ over a 30-year period would therefore be required. The applicant has offered a zero-carbon payment to offset the surplus the development will produce. It is noted that this figure will need to be agreed. Subject to the appellant entering a legally binding agreement securing the necessary zero-carbon payment to offset the surplus emission the development would produce over a 30-year period; the Council would no longer seek to defend this reason for refusal.
- 19.8 In addition, the proposed development would include the installation of a photovoltaic array totalling 19.8kW comprising 66no. 300W PV panels to the roof of the main residential block. Whilst the submitted application provides indicative detail of the proposed roof layout of the main residential block with approximate PV panel arrangements; further design consideration would be required to ensure that the solar panels are appropriately integrated within the roof. Had the scheme been considered acceptable, further detail would have been secured by way of condition.
- 19.9 The submitted Sustainability and Energy Statement has been reviewed by Climate Integrated Solutions (CIS) and it has been confirmed that further detail is required of the measures

implemented at each stage of the cooling hierarchy in accordance with London Plan Policy 5.2. Additional information is required where active cooling is recommended providing actual and notional cooling demand. CIS have confirmed that such detail could be secured by way of an appropriately worded planning condition. As such; it is not considered that the LPA would have grounds to refuse planning permission in the absence of the abovementioned detail.

19.10 With regard to the proposed commercial units; had the scheme been considered acceptable it would be recommended that a BREEAM condition is imposed to ensure an 'Excellent' score is achieved with regards to the commercial units. The condition should also include an action to provide a final (post-construction) certificate for BREEAM Excellent.

19.11 In light of the above, and in the absence of a binding legal agreement securing the necessary contribution to achieve required standards; the proposed development would not meet the zero-carbon standards required by adopted policy. As such; the development would fail to comply with London Plan Policy 5.2 and the aims and objectives of policies LP20 and LP22 of the adopted Local Plan (2018).

20.0 Conclusion

20.1 As demonstrated throughout this statement, the harm that would be caused as a result of the development would significantly outweigh the benefits likely to arise from the scheme. The Council therefore maintains it's reasons for refusal:

Reason 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).

Reason for Refusal 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).

Reason for Refusal 3 - Affordable housing

The proposed on-site affordable housing provision, by reason of its oversized unit sizes and 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 SPG and the Local Planning Authority's Affordable Housing SPD.

Reason for Refusal 4 - 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 SPD.

Reason for Refusal 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).

Reason for Refusal 8 - 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 SPD (2014).

- 20.2 Subject to conditions, S106 and information to demonstrate that the appellant has legal control of the appropriate land to provide safe and suitable access to the site for all road users, the Council would no longer wish to defend following reasons for refusal:

Reason for Refusal 6 - Transport and Highways

The proposed development, by reason of its lack of sufficient off-street parking provision, the loss of approximately 12 existing parking spaces serving Twickenham Film Studios and in the absence of a satisfactory parking survey to demonstrate there is capacity in the surrounding roads to accommodate the required 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.

Reason for Refusal 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).

- 20.3 On the basis of the reasons set out in the officer's report and the Council's Statement of Case above, the Inspector is respectfully requested to dismiss the appeal.