

**LONDON BOROUGH
OF
RICHMOND UPON THAMES**

**UNITARY DEVELOPMENT PLAN
PROPOSAL T1**

**INSTRUCTIONS TO COUNSEL TO
ADVISE IN CONFERENCE ON
MONDAY 13 OCTOBER 2003**

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- Provide a meshed/sprunged surface which will minimise the risk of collision injuries when compared to a more “solid” option (since the area is likely to encourage boisterous play!).

The external base of the fence will be planted to add to its effectiveness and to assist with visual blending into its surroundings.

Planting schemes will be finalised with the Parks Department and in consultation with the Borough’s in-house landscape advisors. Schemes will be finalised once the existing stock has been assessed and any necessary tree surgery identified.

Specific security features include:

- Robust gating and fencing to be secured out of hours (to the children’s playgrounds)
- The play area creates a pre-determined usage designed to attract particular users
- Lower areas are designed to maximise visual openness and will also feature low/dense planting
- The intermediate levels (at either side of the pool building footprint) are proposed to provide soft landscaped features only – with sufficiently dense new planting to dissuade unauthorised entry – in contrast to the current arrangements

The Embankment area (which will remain open to the public at all times) and the children’s playground will both feature appropriate lighting

The proposals would not appear to prejudice the future implementation of planning proposal T1.

Discussions have taken place with the Environment Agency on matters relating to the flood plain and other issues pertinent to the Environment Agency. The flood storage volume will be slightly increased for the temporary development with the applicant reserving the right to re-establish the existing flood defence line in the future. A continuous and effective flood defence will be established on the site to protect against the flood defence level of 6.02 ODN. The requirement for a land drainage consent for the works is recognised by the applicant. These and other issues are expanded upon in the Flood Risk Assessment, which meets the requirements of PPG25.

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Documents

Counsel will find copies of the following documents in the ring binder with these instructions:

- (1) Planning Report dated 31 July concerning the planning application for the short term scheme together with an extract from agenda and minutes of Planning Committee Meeting held on 31 July 2003;
- (2) Call-in letter from GoL dated 29 September 2003;
- (3) Council's response to GoL's call-in letter dated 9 October 2003;
- (4) Timetable for the First Review of the UDP;
- (5) Report to Cabinet dated 25 March 2003 concerning the results of the consultation from January and February 2003 relating to the proposed modifications to the UDP together with Appendix C and an extract from the agenda and minutes of the meeting held on 25 March 2003;
- (6) Map of the Twickenham Riverside site relating to consultation on further modifications consulted upon between 8 April 2003 and 3 June 2003;
- (7) Report to Cabinet dated 24 June 2003 concerning the results of the consultation between 8 April 2003 and 3 June 2003 concerning the proposed further modifications to the UDP together with an extract from the agenda and minutes of the meeting held on 24 June 2003;
- (8) Copy of the Planning Department's proof for the October session of the Second inquiry in the First Review of the UDP;
- (9) Report dated 22 July 2003 containing an update on activity and developments concerning the Twickenham Riverside and Twickenham Challenge since the matter had previously been reported to Cabinet in April 2003, together with an extract of the agenda and minutes of the meeting held on 22 July 2003; and
- (10) Earlier decisions of the Secretary of State on call-ins relating to the Twickenham Riverside site.

Introduction

1. Instructing Solicitors act for the London Borough of Richmond upon Thames ("the Council"). Counsel's advice is sought in connection with Council's application for planning permission for a short term scheme on part of the Council's land at Twickenham Riverside in light of the Secretary of State's decision to call-in that application for his own determination. Counsel is familiar with the recent history of the site and in this regard Counsel's attention is drawn to previous instructions on this matter dated 6 February 2003 and 21 March 2003 and the documents enclosed with those instructions.

Twickenham Pool Site

2. An application for planning permission and for Conservation Area Consent was made to the Council's planning department in respect of the Twickenham Pool Site, at The Embankment, Twickenham. The application contained a proposal to demolish the Twickenham Riverside pool building and replace the building with a landscaped area. The application was designed to provide a short term scheme (of about 5 years) pending future long term development of the site.
3. The officer's report to the Planning Committee recommended that the Secretary of State be advised that the Planning Committee has no objections to the demolition of the pool building (in respect of which CAC is needed). The planning officer's report can be found at Tab 1. At a meeting of the Planning Committee on 31 July 2003, it was recommended that consent be granted subject to no adverse direction from the Secretary of State. These recommendations were approved by the Committee.
4. By a letter from the Government Office of London ("GoL") dated 29 September 2003, the Secretary of State has called in the application for permission and proposes to hold a local inquiry (and is to determine the demolition consent). The call-in letter can be found at Tab 2.
5. The Council has responded to the letter from GoL in its capacity as landowner and a copy of this [draft] letter can be found at Tab 3.
6. Examples of earlier decisions of the Secretary of State in relation to call-in are included at Tab 10 by way of background.

The current Unitary Development Plan and its First Review

7. Counsel will recall that the Council is currently conducting the first review of its UDP. A timetable for the First Review of the UDP is enclosed at Tab 4. The original UDP was adopted by the Council in 1996. Between January and April 1998 there was public consultation on key issues. This process resulted in the publication of the UDP First Review Deposit Draft in May 1999. A public inquiry took place between May and November 2000, following which an Inspector's report was published in August 2001. Counsel will recall that the outcome of the First Review was approved by Council culminating in the approval by the full Council of the proposed modifications in December 2002.

8. Counsel will recall that in January 2003, the full set of modifications was put on deposit for public consultation. That consultation ended on 14 February 2003 and the results were reported to Cabinet on 25 March 2003. For Counsel's ease of reference a copy of the report as presented to Cabinet on 25 March is contained at Tab 5. The results of the consultation were also presented to the Environment Overview & Scrutiny Committee on 1 April 2003.
9. At their meeting on 25 March 2003, the Cabinet considered representations received in respect of the proposed modifications to the Unitary Development Plan agreed by Council on 17 December 2002. The Cabinet noted the representations received and agreed that the responses to the objections, including further changes to the proposed modifications to seek to overcome objections, be recommended to Council. Council was also recommended to agree the proposed modifications to the Twickenham Riverside proposal. The Cabinet also delegated authority to the Cabinet Member for Environment and Planning, in consultation with other Cabinet Members as appropriate, to consider any changes recommended by Environment Overview and Scrutiny Committee and to amend (if appropriate) the Executive's recommendations to Council.
10. When the matter was reported to full Council on 8 April 2003, proposed modifications to the Twickenham Riverside proposal as set out in Appendix C to Report 20 to the Cabinet on 25 March 2003 be approved (see Tab 5). Those further changes approved by the full were also subject to public consultation which ended on 3 June 2003. That consultation also included an amended map in respect of the Twickenham Riverside site (see Tab 6), which revised the boundary and excluded the properties on King Street.
11. The results of the consultation that ended on 3 June 2003 were reported to the Cabinet and to the Environment Overview & Scrutiny Committee on 24 and 26 June 2003, respectively. A copy of that report, dated 24 June 2003 is at Tab 7.
12. A further public inquiry into the First Review commenced on 1 July 2003 and was set to run for 3 weeks. (Counsel is advised that Alice Robinson of his chambers represented the Council at the inquiry.)
13. Further sessions of the second inquiry are to commence in October 2003 and Instructing Solicitors understand that these sessions will commence on Tuesday, 14 October 2003, with the objections to T1 due to be heard on 16 October 2003. A copy of the proof submitted to the inquiry by the Planning Department is at Tab 8.
14. It is currently estimated that the outcome of the UDP First Review will be adopted by the Council early in 2004.

Twickenham Riverside – General Progress

15. On 29 April 2003 Cabinet considered a report dated 29 April 2003 outlining anticipated internal and external costs for the Council's long-term scheme to redevelop the Twickenham Riverside site. That report also provided Cabinet with an overview of the latest responses to the Twickenham Challenge (intended to provide a community facility

within the long term scheme) and addressed a number of matters arising in relation to the Twickenham Society Group of Organisations and the Cabinet's policies for the Twickenham Riverside.

16. On 22 July 2003, Cabinet considered a report that provided an update on activity and developments since the matter had been reported to Cabinet in April 2003. It provided an overview timetable of the Twickenham Challenge linked to the procurement of long term scheme at the site, identified the anticipated costs of specialist advice to participants in the Twickenham Challenge to support the development of their proposals and identified potential enhancements to the short-term scheme for consideration by the Cabinet.
17. A copy of the report dated 22 July 2003 is enclosed with these instructions at Tab 9 and Counsel's attention is drawn in particular to the timetable for the Twickenham Challenge/procurement of the long term scheme. (A copy of the report dated 22 April 2003 has not been enclosed although can be provided if necessary).

Instructions

18. Counsel is asked to advise in conference in relation to the call-in and proposed inquiry relating to the planning application to demolish the Twickenham Pool Building and the Council's strategic approach to this, bearing in mind the UDP review currently being conducted. In particular:
 - (a) general advice arising from the Secretary of State's decision to call in the planning applications for the short-term scheme for his own determination and in the light of the Council's response to the Government Office for London ✓
 - (b) Counsel's preliminary views on the prospects of success in obtaining planning permission from the Secretary of State following a call-in inquiry and any conditions the Secretary of State might impose. This is related to the question of whether the Council should continue work to discharge conditions proposed to be set by the LPA in relation to a permission for the short-term scheme (as the Council is concerned to avoid incurring abortive expenditure). ✓
 - (c) Initial advice on the Council's conduct of the call-in inquiry – as to topics/structure of proofs etc. ✓
 - (d) The Council had identified that (subject to receiving planning permission for this scheme) that it may submit a further planning application for a café/toilets etc (which would be temporary in nature). This new proposal would not fundamentally alter the underlying nature of the called-in scheme. It is likely that the Council would now wish to proceed with a planning application for this proposal. What would be the most time and cost efficient approach given the fact of the call-in? e.g should the Council endeavour to have this subsequent application considered at the same inquiry? ✓
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PI.*
 - (e) Are there any issues/risks of which the Council should be particularly aware given the fact of the UDP review, timing of that inspectors report & timing of the call-in inquiry? ✓

- (f) Given the call-in, recent correspondence, T1 proof etc are there any particular legal risks of which the Council should be aware (e.g a private or public law challenge from Dawnay Day)?
19. A conference has been arranged for 4:30pm on Monday, 13 October 2003 in chambers. The conference will be attended by the following officers from the Council: George Chesman, Assistant Head of Legal Services, Philip Wealthy, Policy and Design Manager, Tom McKeivitt, Joint Development Manager PFI and PPP, Roy Summers, Senior Team Leader (Planning and Building Control) and David Barnes. Charles Leach, Anna Forge and Andrew Robertson will attend on behalf of instructing solicitors. Should Counsel require any further information or documents prior to the conference would he kindly contact Andrew Robertson on 020 7782 8836.

Mayer, Brown, Rowe & Maw
9 October 2003

Twickenham Riverside – Short Term Scheme

Planning Statement

This planning application is for full approval of a scheme to partially redevelop the former Twickenham swimming pool site by removal of the changing room building, its replacement by a hard landscaped garden area, the creation of public access to the area from Wharf Lane to the Embankment and a range of planting, environmental improvements and hard landscaping features to the areas which will be redeveloped. For convenience, the changing/plant room identified for removal in this application will be referred to as the "pool building".

The site, owned by London Borough of Richmond upon Thames (the applicant) is located on the Twickenham Embankment / north bank of the river Thames directly opposite Eel Pie Island. The site is bound on three sides by roads, The Embankment (south east), Wharf Lane (south west) and a service road to the rear of the properties at 1-33 King Street (north west). The remaining boundary to the north east is a wall abutting a private car park

The site was developed in the 1930s as an open air swimming pool with lido areas and associated structures housing changing rooms and plant. The original site was sloping ground to the rivers edge following the incline evident on surrounding roads. The swimming pool itself was constructed largely above this level resulting in a substantial increase of ground levels above The Embankment. This is reflected in the construction of the pool building which enters from street level and raises one storey to access the poolside with a 3 metre (\pm) concrete retaining wall to the rear of the Embankment. This retaining structure extends to each side of the building joining the Café building to the north and turning into a surface embellished retaining wall, matching the main building, on the Wharf Lane boundary which holds the lido area above.

The pool building is a concrete and steel framed structure with clad external walls which appear to be insitu concrete cast with the steel frame and the aggregate face. There is a horizontal brick creasing detail to ground (street) level and brick above exposed edge of intermediate floor slab. Brick parapet walls approximately 1 metre high conceal a flat roof. A central entrance feature projects forward of the main frontage with a flat canopy extending over the doors and the parapet - rising almost 2 metres higher than the adjacent walls.

The pool facility was closed in the 1980s and has remained unused since then - with the exception of some voluntary and community group usage of the river end of the café block. There is currently one tenant providing voluntary support services.

Virtually all structures at the site are boarded and heavily vandalised, the general fabric is deteriorating and the areas around the pool are covered with graffiti, strewn with rubbish and overgrown with a number of self-seeded plants and trees. At the boundaries generally, the unrestricted growth of both original and later trees, particularly from root spread, has caused damage to walls and retaining structures.

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Previous attempts to secure the site have resulted in concrete plank fencing, which runs around the two open perimeters. However, at much of the perimeter of the site this has also been damaged and has been augmented with ply wood panels.

The Council intends that the duration of this scheme will be no more than five years – and has set out its objectives for a long term and wider redevelopment. As a long term solution is likely to take a number of years to implement, this scheme is designed to put in place an interim scheme to significantly improve the ambience of Twickenham Riverside, create public benefits by improved amenity, public access, specific recreational uses for parents & children and overall, to make the area less threatening and unattractive. The scheme will also result in a dramatic reversal of the decay apparent at the main public frontages of this site.

The design proposals incorporate features which reflect pre-application discussion with the Council's landscape architect, the Head of Parks and Open Spaces, officers responsible for planning seasonal educational and leisure activities for children, the Metropolitan Police Crime Prevention Officer and the Environment Agency.

Broadly, works are at two areas of the site. The lower road level fronting the Embankment and the upper level of the poolside along Wharf Lane. The chief features of the scheme are:

- a raised pathway on the Embankment area with seating, planted areas and hard landscaping features
- the provision of hard landscaped steps linking the Embankment with a new children's playground at the Wharf Lane end of the site
- fencing, gates and appropriate lighting throughout
- the introduction of access to the site for people with mobility difficulties

The principal element of the scheme on the Embankment is the removal of the existing pool building back to its existing retaining wall line to create a recessed and slightly raised garden area. Brick planters to the rear of the space will link with a brick cladding to the existing retaining wall and also the new flight of steps to the children's playgrounds. The design allows for a seating area to provide enhanced views across the river and Eel Pie Island (compared to those currently achievable). The dereliction of the existing building will be replaced by a landscaped and highly accessible public space.

The screening to be provided above the existing retaining wall will provide security to the existing pool area. The proposed secure construction will be clad with decorative timber to provide a more visually acceptable appearance and will have a number of climbing plants trained on it to provide a "green" screen.

This screen concept (i.e. securing the derelict pool area) is continued into the children's playground where it will run to a junction with the existing fencing on the service road. The internal finish to the screen in the children's playground could follow a similar approach – but there may also be scope for a context-sensitive decorative finish (e.g. a mural). This is currently being researched.

The redeveloped Embankment will provide a major improvement to the amenity of the area. The area currently attracts very high numbers of informal users (for example,

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visitors to the draw dock and parents with young children feeding the ducks). This scheme, by virtue of the improved ambience and attractiveness of the area, is intended to significantly reinforce and increase such informal uses. The feasibility of further amenities to be provided around the children's playground is being explored.

During the brighter months of the year, the redeveloped Embankment area is likely to be very well used by those who currently make use of the area in their leisure time and in the summer months particularly, will be well-used by those who use the small open space at the junction of Water Lane and the Embankment.

To each side of the pool building footprint are existing raised areas set behind brick and railing walls. The walls will be retained and repaired / restored (as with retaining structures onto Wharf Lane) and densely planted for visual amenity. This will further improve the Wharf Lane approach to the river replacing the currently derelict and rubbish strewn garden area adjacent to the pavement. The existing trees will be assessed (in consultation with the Council's arboriculturist) and will be retained where not causing structural damage, with a programme of tree surgery being implemented as necessary.

The design seeks to eliminate the potential for misuse. By introducing a very specific use (the children's playgrounds) in an area where there is already a high volume of potential users of such a facility, the type of visitor can be predicted with some certainty. The scheme not only provides facilities lacking in the area but can also be viewed as a natural addition to the informal leisure opportunities which run along the River Thames (including Radnor Gardens & Orleans House). The scheme will provide a respite for shoppers on the high street and a higher level view of the river and Eel Pie Island will be created at the Embankment perimeter of the children's playgrounds.

Public access to the playground (including pushchair/wheelchairs) is from the corner of Wharf Lane and the service road with an additional route by steps from the Embankment. The Wharf Lane access gate will be fitted with staggered barriers to maximise safety for children using the area.

The mature hornbeams are retained on the service road maintaining the screen to the rear of the King Street shop units. Mature existing trees at the boundary will be retained with new planting designed to compliment that which exists following clearance of the uncontrolled vegetation.

The children's playground will incorporate play structures using wood, rope and metal as the key materials or recyclable play equipment - which will be set in a wet poured rubber granule continuous safety surface. The play equipment shown on the drawings is indicative of the size and type proposed and will be finalised at detailed design.

The design provides well defined open spaces and access to the Wharf Lane park will be restricted out of hours using secure open mesh fencing to a height of 1.8 metres on the perimeter with robust gating arrangements. The open mesh (similar to that used for school playgrounds and play facilities) will:

- maximise the sense of openness due to increased light permeation
- maintain visual links to areas outside the playground, particularly the river
- reduce the physical weight of the barrier when viewed from outside.