

Application reference: 19/2403/FUL
SOUTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
02.08.2019	25.09.2019	20.11.2019	20.11.2019

E.O.T ~~07/02/20~~
07/02/20

Site:

Mereway Nature Reserve, Mereway Road, Twickenham,

Proposal:

Installation of a fish pass for passage of fish between the River Crane and Duke of Northumberland River (DNR). The fish pass will be approximately 8-10m across (bank to bank) with a 1m channel and 100m in length.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Natasha Gibbs
Alchemy Offices
Welwyn Garden City
AL7 1HE

AGENT NAME

DC Site Notice: printed on 30.09.2019 and posted on 11.10.2019 and due to expire on 01.11.2019

Consultations:

Internal/External:

Consultee	Expiry Date
Port Of London Authority	21.10.2019
Natural England	21.10.2019
LBRUT Parks And Open Spaces	21.10.2019
LBRuT Ecology	14.10.2019
LBRuT Trees Preservation Officer (North)	14.10.2019
LBRUT Transport	14.10.2019
14D POL	14.10.2019
GLAAS 1st Consultation	21.10.2019
LBRUT Environmental Health Contaminated Land	14.10.2019

Neighbours:

- 90 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 86 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 94 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 92 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 88 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 80 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 76 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 84 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 82 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 78 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 74 Mereway Road, Twickenham, TW2 6RG, - 30.09.2019
- 67A Mereway Road, Twickenham, TW2 6RF - 30.09.2019
- 67 Mereway Road, Twickenham, TW2 6RF, - 30.09.2019
- 65 Mereway Road, Twickenham, TW2 6RF, - 30.09.2019
- 63 Mereway Road, Twickenham, TW2 6RF, - 30.09.2019
- 61 Mereway Road, Twickenham, TW2 6RF, - 30.09.2019
- 59 Mereway Road, Twickenham, TW2 6RF, - 30.09.2019
- 60A Gould Road, Twickenham, TW2 6RS, - 30.09.2019

60 Gould Road, Twickenham, TW2 6RS, - 30.09.2019
Flat 4, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 8, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 7, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 6, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 5, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 3, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 2, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
Flat 1, Rowntree House, 7 Rowntree Road, Twickenham, TW2 6RP, - 30.09.2019
9 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
8 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
7 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
6 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
5 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
4 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
3 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
2 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
1 Barneby Close, Twickenham, TW2 6RR, - 30.09.2019
The Mereway Centre, Mereway Road, Twickenham, TW2 6RF, - 30.09.2019

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: PCO

Application: 19/2403/FUL

Date:

Installation of a fish pass for passage of fish between the River Crane and Duke of Northumberland River (DNR). The fish pass will be approximately 8-10m across (bank to bank) with a 1m channel and 100m in length.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): DYF

Dated: 03/02/20

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: 07/02/20

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

Reference: 19/2403/FUL

Address: Mereway Nature Reserve, Mereway Road, Twickenham, TW2

Site Description

The site is located to the north of Mereway Road and consists of Mereway Nature Reserve and the River Crane. The site is designated as Metropolitan Open Land (MOL), an Other Site of Nature Importance, Public Open Space, an Archaeological Priority Area, Flood Zone 2, River Crane Area of Opportunity, and Contaminated Land.

Planning History

19/2343/PS192 - Gate replacement, together with the controlling mechanism – Permitted Development

Proposal

Construction of a new fish pass from the River Crane to the Duke of Northumberland River to allow fish and eels to pass freely into both watercourses and associated works. The fish pass will be approximately 8-10m across (bank to bank) with a 1m channel and 100m in length.

Main Local Planning Policies:

The main relevant policies to this development are as follows:

NPPF (2018)

London Plan (2016 – Consolidated with alterations since 2011)

Local Plan (2018):

LP 1 (Local Character and Design Quality)

LP 7 (Archaeology)

LP 8 (Amenity and Living Conditions)

LP 10 (Local Environmental Impacts, Pollution and Land Contamination)

LP 12 (Green Infrastructure)

LP 13 (Green Belt, MOL, and Local Green Space)

LP 15 (Biodiversity)

LP 16 (Trees, Woodlands and Landscape)

LP 18 (River Corridors)

LP 21 (Flood Risk and Sustainable Drainage)

LP 23 (Water Resources and Infrastructure)

LP 31 (Public Open Space, Sport and Recreation)

LP 44 (Sustainable Travel Choices)

Supplementary Planning Documents:

Twickenham Village Planning Guidance

Public Representations

Neighbouring properties were notified of the application, 3 letters of support were received, summarised as follows:

- Great benefit to the aquatic environment
- Fish are currently getting trapped
- The square section of the main River Crane that joins the fish pass is overly wide and could be narrowed
- Well thought out proposal

- The planted coil edges will soften sides and help wildlife
- Will benefit people and educate them
- Concerns about maintenance and upkeep.

Friends of River Crane Environment (FORCE)

FORCE supports the application:

- The fish pass will create a route for fish to move upstream from the lower Crane into the main Crane river system for the first time in many years. At present any fish going over the existing weir are not able to return to the main river – and this has been the case for at least 80 years.
- In the future, if and when the lower Crane is restored to a fully functioning river system, this fish pass will remove the only major river structure preventing full integration of fish movement between the Crane and the River Thames
- The fish pass will create a new 70 metre long stream through the nature park, containing a significant stream flow and incorporating natural in-channel and marginal characteristics. This will be a major new environmental feature for the nature park. It will though be important to manage the detailed design, implementation and operation so as to minimise the loss of existing habitat and maximise the value of the new habitat
- The fish pass will be a major new community and educational asset for the nature park, creating considerable interest and engagement for local people. The detailed design, implementation and operation will though need to be managed carefully so as to ensure that public interactions with the new facility are beneficial to all interested parties and the wider environment

We have set out below the key requirements in order to deliver the benefits and minimise the risks and problems with the proposals, as identified in 3 and 4 above:

1. The EA continues to work with the council and all other interested parties – including FORCE, Friends of Kneller Gardens and interested local residents - through the detailed design, implementation and operational stages of the project
2. The final alignment of the stream and the access routes for construction and operation are identified and agreed in advance to minimise the loss of existing valuable habitat. The loss of trees needs to be considered – but minimising tree loss would not necessarily over-ride the importance of other habitats on the site
3. The habitat value of the scheme is maximised – this would include pools and riffles in the main channel plus areas of marginal vegetation – potentially including backwater areas. Note: Richmond Green Gym has recently created a small pond on the Mereway site. This is the first and only known pond in the lower Crane within LB Richmond. It may be possible for the scheme to support the enlarging and completion of this pond and/or adding further still-water features in the nature park
4. The new stream is likely to be a major attraction for the many dog walkers in the area – as well as for local children – leading to significant issues regarding access, egress, public safety, erosion and environmental protection. It will be important for the scheme to consider carefully in the design how it will accommodate these interests to ensure they can interact safely and not detract from the environmental value of the scheme. FORCE has proposed for example that a dedicated access area is created with a cobble/gravel access ramp – with other bank areas protected or discouraged from public access (at least whilst vegetation becomes established).
5. The Larinier pass may need to be separated from public access. How this is done will need to be agreed as part of the detailed design
6. The site will require some on-site public information to ensure the public appreciate and respect the nature and purpose of the fish pass

7. The management plan for the site will need to be developed to accommodate these new components. This has the purpose of protecting and enhancing the site's value as an environmental and community asset. The council are currently reviewing the existing management plan and engaging with FORCE and others to develop an updated version. It is expected that the EA will develop the detailed design with other interested parties to ensure this happens
8. It is anticipated that the EA will design and operate the site construction works to minimise any adverse impacts to the site and the downstream river system
9. It is anticipated that arisings from the excavation will be removed from the site. If any arisings are to be retained on site then the project will need to review and agree with all partners the location and nature of any arisings deposition in advance
10. The EA (and council) needs to consider how the site will be managed for the long term and provide appropriate resources to deliver this
11. The community has had an active role in the management and maintenance of the Mereway site through FORCE and the Richmond Green Gym programmes. It is expected that community volunteer activities can be extended to support the longer term maintenance of this new asset with appropriate support from the EA and council

Crane Valley Partnership

Very supportive of the proposal set out in Application 19/2403/FUL as it will deliver several key benefits compatible with CVP's aims.

The fish pass scheme will enhance ecological continuity, allowing fish and other wildlife to migrate upstream, enriching the biodiversity of the reaches above Mereway Weir. Fish will no longer be trapped in the River Crane below the weir where in summer they are vulnerable to low flow conditions.

The predominantly naturalised form of the fish pass will also enhance the visual and recreational amenity of Mereway Nature Reserve in a way that is consistent with the purpose of Metropolitan Open Land (MOL). The wet channel and its margins within the reserve will provide new habitat for aquatic and semi-aquatic plants and animals, potentially enhancing the biodiversity value of the reserve. Depending on the degree to which the banks of the fish pass will be accessible to the public, this new feature also has the potential to provide formal and informal educational opportunities.

In summary, it is considered that the fish pass scheme provides an aesthetically satisfactory solution that benefits both the environment and people whilst also allowing the EA to fulfil its obligation to ensure provision for the future safe passage of fish whenever a flood defence asset is upgraded or replaced.

External consultees:

Historic England (Archaeology)

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Natural England

Advises that the Local Authority should determine the application in line with their Ecologist's advice.

Professional Comments

Metropolitan Open Land

The site is designated Metropolitan Open Land and as such NPPF policy on Green Belt, London Plan policy 7.17 and Local Plan policy LP 13 would apply.

London Plan policy 7.17 states 'Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. Appropriate development should be Assessment against NPPF Policy on Green Belt.

The NPPF (2019) para 145 states that new buildings are 'inappropriate development in Green Belt but allows for the following exceptions:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

London Plan Policy 7.17 says that the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL.

Paragraph 7.56 of the London Plan also states that MOL has an important role to play as part of London's multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility.

The purpose of policy LP13 is to safeguard open land and protect and retain it in predominately open use. There is a presumption against inappropriate development in the (Green Belt or) MOL, and inappropriate development by definition, is harmful to the MOL and should not be approved except in very special circumstances. These policies however recognise that there may be exceptional cases where appropriate development such as a small-scale structure is acceptable, but only if it does not harm the character and openness of MOL and is linked to the functional use of the MOL. Any increase in either footprint or floor space within designated MOL would need to be fully justified.

In relation to MOL policy, the proposals are considered as 'inappropriate' development for which an 'exceptional case' has been made in relation to 'essential utility infrastructure'.

The proposed fish pass is a necessary requirement by the Environment Agency to ensure that fish have safe passage to swim between the Duke of Northumberland River and the River Crane given the impact of the recently updated nearby weir. The scheme has been designed to minimise the impact on the MOL with a majority of the scheme forming a natural appearance. The natural fish pass would enhance the appearance of the Nature Reserve and would provide ecological and aquatic benefits to the area whilst maintaining the character and openness of the MOL.

Given the benefits, functional use and open nature of the natural element of the fish pass, designed to appear as a natural channel within the nature reserve, it is considered that the design of this section would meet the requirements of the MOL policies. It is noted that a section of development on the River Crane bank would consist of a technical fish pass using concrete due to the gradient of the land, this only forms part of the proposal, and would have minimal impact.

Policy LP 12 (Green Infrastructure) seeks to ensure that all development proposals protect, and where opportunities arise enhance, green infrastructure.

It is considered that the scheme would be a positive enhancement to the green infrastructure network and would comply with the intent of policy LP12.

Archaeology

The site is located in an Archaeological Priority Area. In line with Policy LP 7 of the Local Plan, the Council will seek to protect, enhance and promote its archaeological heritage. Historic England have assessed the application and have advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Biodiversity

In line with the Government commitment to halt overall losses in biodiversity by 2020, the NPPF expects for projects to conserve and enhance biodiversity.

Policy LP15 of the Local Plan states that the Council will protect and enhance the Borough's biodiversity. The site is designated as an Other Site of Nature Importance, which is given weighted priority in terms of their importance to protect species, priority species and habitats.

A Preliminary Ecological Appraisal (PEA) has been submitted, and the information seeks to deliver these goals and deliver additional habitat creation and restoration and increase the biodiversity in the Nature Reserve. The Ecology Officer is satisfied with the information submitted and has requested that the recommendations set out in the PEA are adhered to and details of species submitted to the Council.

The scheme does not include any external lighting, which would not be supported in this location. If this was proposed, it would require a separate application to the Council. An informative is recommended to this effect.

Subject to details of maintenance and species being submitted to the Council, the scheme is considered to benefit the Nature Reserve and would be in line with policy LP15 of the Local Plan.

Trees

Policy LP16 of the Local Plan requires no loss of trees, therefore any removals would need to be justified and mitigated for.

It is noted that the details regarding which trees are being removed are unclear, with some suggestions that certain trees 'could' be removed. It is understood that this is due to the detailed design not being finalised at this stage.

The Tree Officer has assessed the submitted tree report and has no objection to the removal of the trees, although the retention of T4 (Single Ash) a B category tree is considered necessary due to its importance in local amenity.

Given the number of trees on the site that would be affected by the development, further details would be required including tree protection, tree removal and mitigation planting. Conditions are recommended accordingly.

Subject to details being submitted to the Council, the scheme is considered to comply with policy LP16 of the Local Plan.

Neighbouring Amenity

The nearest properties to the site are the residential properties on Mereway Road. Whilst the fish pass on the nature reserve would not directly impact on these neighbours, there is the potential for disruption to residents in terms of highway congestion during construction due to deliveries and removal of materials.

In order to mitigate against any potential impact, a condition is recommended requiring a Construction Management Plan to be submitted and approved prior to the commencement of works on site. Given this, it is considered that the development would comply with policy LP 8 of the Local Plan.

Flood Risk

Policy LP21 of the adopted Local Plan highlights the importance that all developments should avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The applicants are the Environment Agency, and Flood Risk information has been submitted with the application, including details of risks during the works. The scheme has been designed in conjunction with the weir replacement to ensure flooding does not occur from these works, although it is noted that a majority of the information submitted refers to the weir replacement as detailed design of the fish pass has not been concluded. It is therefore

considered appropriate to request an updated Flood Risk Assessment for the fish pass as a condition.

Transport

In line with Policy LP45 of the Local Plan, there is concern about the spoil removal and deliveries involved in this project, given the constrained nature of the site, and the limited road access.

A Construction Logistics Plan (CLP) would need to be submitted prior to any works commencing on site. It would need to demonstrate the number and type of vehicles that will be required, vehicle routing, any protection measures for cyclists, drivers and vulnerable pedestrians and other highway users. Measures for any abnormal loads would need to be considered where necessary.

Subject to the CLP being submitted prior to commencement and the works being carried out in accordance with the submitted details, the scheme is considered to comply with Policy LP45.

Contamination

Policy LP10 of the Local Plan promotes, where necessary, the remediation of contaminated land where development comes forward. Potential contamination risks will need to be properly considered and adequately mitigated before development proceeds

The Environmental Health Officer has assessed the application and has confirmed that due to the site's potential contamination, a desk study, site investigations and remediation works would be required. A condition is recommended

Other matters

It is understood that there have been ongoing discussions regarding the maintenance of the proposed fish pass, as the land is owned by the Council's Parks Department. Details of the maintenance of the fish pass would need to be submitted to the Council to ensure that the development would not harm the ecological and biodiversity of the Nature Reserve.

Conclusion

The proposed fish pass whilst an 'inappropriate development' within the MOL, would have an exceptional case, and would improve the biodiversity and habitat of the nature reserve. The scheme would benefit the local public with increased access and use of the area and would have a mainly natural appearance to not impact on the surrounding area.

Subjected to details being submitted to the Council, the scheme is considered to comply with the intent of the Council's policies.

Recommendation: Approve subject to conditions