

# Ham Close Regeneration

Planning Application:  
Sequential Assessment

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# 1 Introduction

1.1 This Sequential Assessment has been prepared by Sphere25 LLP on behalf of Hill Residential Limited (“Hill” / the “Applicant”). It supports a detailed planning application (the “Planning Application”) for the redevelopment of Ham Close, Ham, Richmond Upon Thames, TW10 7PG (the “Site”).

1.2 Full Planning Permission is sought for the following (the “Proposed Development”):

*“Demolition of existing buildings on-site and phased mixed-use development comprising 452 residential homes (Class C3) up to 6 storeys; a Community/Leisure Facility (Class F2) of up to 3 storeys in height, a “MakerLabs” (sui generis) of up to 2 storeys together with basement car parking and site wide landscaping.”*

1.3 The London Borough of Richmond Upon Thames has requested that a sequential assessment is undertaken for the provision of Community Space at Ham Close by virtue of Policy LP 25 “Development in Centres”.

## Structure of the Assessment

1.4 Section 2 of the Sequential Assessment details the existing and proposed Community Centre located at Ham Close. The section provides information on floorspace and Users of the Centre, providing a comparison between the two.

1.5 Section 3 sets out a short planning policy context to the sequential assessment. This section also considers the key legal cases and Secretary of State decision which has shaped the application of sequential tests for decision makers.

1.6 Section 4 applies the sequential test to the scheme.

1.7 Section 5 provides a conclusion on the sequential test assessment.

## 2 Existing and Proposed Community Centre

### Existing Location

- 2.1 The Application Site is located in Ham, in the London Borough of Richmond upon Thames (LBRuT). The Application Site measures 4.69 hectares in area. The existing Site consists of 14 residential blocks, an existing youth centre, offering a range of after school activities for local teenagers including arts, sport, music, ICT and cooking. The site also includes a “MakerLabs” facility offering activities for people with an interest in DIY and craft to learn, repair and create items.
- 2.2 The Site is bounded by Woodville Road to the north, and Ashburnham Road to the south.
- 2.3 Ashburnham Road is characterised by two storey pitched roof detached housing. Immediately to the West is the Woodville Centre and St Richard’s CE Primary school.
- 2.4 To the East, beyond Ham Village Green and hard standing, is a parade of shops at the confluence of Ashburnham Road and Ham Street. The shops on the parade include an Indian takeaway<sup>1</sup>, a small convenience store<sup>2</sup>, café<sup>3</sup>, barber<sup>4</sup>, Flooring company<sup>5</sup>, Pizzeria<sup>6</sup>, Dry Cleaners<sup>7</sup>, Fish & Chip shop<sup>8</sup> and Delicatessen<sup>9</sup>. Above the parade of shops are two storeys of residential flats, accessed by an external stairwell to the rear.
- 2.5 The application site is not located within or adjacent to any of the Main Centres, Local Centres or Neighbourhood Centres identified in the adopted local plan<sup>10</sup>. The closest identified centre is the Ashburnham Road which is characterised as a “Parade of Local Importance”. The existing Community Facilities on Ham Close are situated approximately 95m from the Parade.

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<sup>1</sup> Jaflong Tandoori, 16 Ashburnham Rd, TW10 7NF

<sup>2</sup> New Way Food and Wine, 10 Ashburnham Rd, TW10 7NF

<sup>3</sup> Ham Café, 8 Ashburnham Rd, TW10 7NF

<sup>4</sup> Nevilles Barbers, 6 Ashburnham Rd, TW10 7NF

<sup>5</sup> Ashburnham Carpets 4 Ashburnham Road, TW10 7NF

<sup>6</sup> CC Pizza, 2 Ashburnham Road

<sup>7</sup> KS Dry Cleaners

<sup>8</sup> Best Grill and Fish Bar

<sup>9</sup> Hansel & Pretzel German Delicatessen.

<sup>10</sup> Table 7.1.1 of the adopted LBRuT Local Plan.



**Figure 1:** Existing Community Centre and Ashburnham Parade

### The Existing Community Centre

- 2.6 Ham Close is home to an existing Community Centre. The facility is referred to as Ham Youth Centre or Ham Hall. The total Gross Internal Area (GIA) of the building is 615m<sup>2</sup>. This includes a small basement area of 57m<sup>2</sup>.
- 2.7 For further details of the existing facility, please see the Design and Access Statement, Section 6. There is also an online tour of the facility available, which has been filmed by Achieving for Children (AFC) <sup>11</sup>.

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<sup>11</sup> [AFC Info website - Kingston and Richmond :: Young People / Information and Advice for Young People / Youth Centres and Activities / Ham Youth Centre](#)



**Figure 2:** Ham Youth Centre (Street Maps 2022)



**Figure 3:** Internal Layout (WR-AP Architects 2022)

### The Proposed Ham Community Centre

2.8 The design of the community centre has been subject to significant design iterations as the proposals have been finessed through the pre-application process. The proposed configuration of the new community centre has been designed in collaboration with existing users. For the avoidance of all possible doubt, the improvements are designed to assist these groups and enhance their experience. The proposal has not been designed to compete with or replace alternative Community facilities.





**Figure 4:** Proposed Ham Community Centre



**Figure 5:** Proposed Internal Layout (WR-AP Architects 2022)

- 2.9 There is a modest increase in the size of the Community Centre (101m<sup>2</sup>). At 3 storeys in height, the building is sensitively proportioned to the immediate context of the shops and Ham Village Green.
- 2.10 The Ground floor consists of a Community Lounge, Community meeting room, toilets and small kitchen. Meanwhile the larger first floor includes the main activity hall of 190m<sup>2</sup> together

with associated changing rooms, storage and a meeting room. The second floor includes a music space for rehearsals, a studio, storage and an ICT<sup>12</sup> room.

	Existing (GIA) m <sup>2</sup>	Proposed (GIA) m <sup>2</sup>	Difference (GIA) m <sup>2</sup>
<b>Community Centre</b>	615	716	+101

**Figure 6:** Community Centre Areas

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<sup>12</sup> Information Communication Technology.

## 4 Planning Policy Context

4.1 This section sets out the relevant planning context for the Sequential Assessment. This includes the basis for a sequential test, National Planning Guidance on Sequential Tests, and the relevant case law that underpins its application.

### The Need for a Sequential Test

4.2 The London Borough of Richmond Upon Thames has asked that a sequential test is undertaken as part of the planning application for the redevelopment of Ham Close. Policy LP25 (Development in Centres) is considered relevant. The Policy is set out in full below for ease of reference.

**Policy LP 25**

**Development in Centres**

A. Development in the borough's centres, as defined in the centre hierarchy, will be acceptable if it:

1. is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre (also see the Spatial Strategy of this Plan); and
2. is in an appropriate location, as follows:
  - a. A1 uses should be located within, adjacent to or well-related (or capable of being made so) to designated shopping frontages.
  - b. For other appropriate uses (see B & C below), major development and/or developments which generate high levels of trips should be located within a Main Centre Boundary. Elsewhere development should be located within the defined Area of Mixed Use (AMU boundary). For centres, or parts of centres where no boundary exists, proposals should be well-related to designated shopping frontages.

Proposals not in the above locations, including extensions to existing retail and leisure developments of more than 200sqm gross, should satisfy the Sequential Test as set out in national policy and guidance. Out of centre retail development is not considered appropriate in line with the London Plan; and
3. does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre. When assessing proposals for development outside of existing centres, applicants will have to comply with the requirements of national policy and guidance in relation to impact assessments. For retail developments, including extensions, of over 500sqm gross, the Council will require a Retail Impact Assessment. The scope of such assessments will need to be agreed with the Council before submitting a planning application; and
4. optimises the potential of sites by contributing towards a suitable mix of uses that enhance the vitality and viability of the centre. Commercial or community uses should be provided on the ground floor fronting the street, subject to other Local Plan policies, including the retail frontages policy LP 26.

B. In addition to A above, the following applies to development proposals in the borough's five main centres:

1. The Council will support appropriate development <sup>(2)</sup> in the five main centres.
2. The Council will encourage proposals for leisure, cultural and tourism facilities which contribute to the diversity of the offer.
3. Proposals for A1 uses should include, where appropriate, units of a size suitable for modern retail needs (particularly in Richmond centre, where there is a shortage of retail units with larger floor-plates) whilst retaining sufficient traditional smaller units that add to the local character and which are important to local businesses.

C. In addition to A above, in the local and neighbourhood centres as well as parades of local importance, the following applies:

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

4.3 There is no direct reference to Community Facilities in the policy. Such facilities, by their nature are localised and intended to serve their distinct communities. Nevertheless, Part 2b of the policy is cited with reference to leisure.



## Planning Context

- 4.4 National Planning Policy seeks to ensure the vitality of town centres, by supporting the role they play ‘at the heart of local communities<sup>13</sup>’. Amongst the tools available to decision makers is the use of a sequential test. The NPPF states:

*“Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan<sup>14</sup>”*

- 4.5 Ham Close is an allocated site within the adopted local plan (SA15). It is also a proposal site in the Ham and Petersham Neighbourhood Plan (Policy O3). The adopted local plan makes specific reference to the “*new build re-provision of all residential and non-residential buildings*” (Sphere25 emphasis). Meanwhile, the neighbourhood plan also seeks re-provision of existing facilities. The reasoned justification provided in the neighbourhood plan includes the following paragraph:

*“If the redevelopment scheme includes the existing community facilities then provision must be made for their replacement without reducing the capacity. These should be grouped together to form a cluster of uses rather than being dispersed across the site and should be located on the Ashburnham Road side of the site, to complement the Ashburnham Road / Ham Street shopping centre and the public library. The Neighbourhood Plan seeks to maintain and enhance the vitality and viability of the local shopping centres which can be achieved through the synergy arising by grouping activities around them<sup>15</sup>.”*

## Relevant Case Law

- 4.6 The Sequential Test (and its requirements) have been the subject of a number of notable Court Judgements and Secretary of State Decisions. The three key cases most cited are:
- The Supreme Court Judgement on Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland), dated 21 March 2012 (Case Reference UKSC 13) (“Dundee”)
  - The High Court Judgement on Aldergate Properties Limited v Mansfield DC, dated 1 June 2016 (Case Reference EWHC 1670) (“Mansfield”)
  - Secretary of State Call-In Appeal Decision Reference APP/G2815/V/12/2190175, dated 11 June 2014 (“Rushden Lakes”)
- 4.7 In the Dundee judgement the meaning of a “suitable” site in the sequential test was clarified. The Supreme Court concluded the question for decision makers is “*whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site<sup>16</sup>”.*

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<sup>13</sup> Paragraph 86 National Planning Policy Framework, July 2021.

<sup>14</sup> Paragraph 87 National Planning Policy Framework, July 2021

<sup>15</sup> Paragraph 9.11.5

<sup>16</sup> Paragraph 29 The Supreme Court Judgement on Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland), dated 21 March 2012 (Case Reference UKSC 13)

- 4.8 The case also confirms that the sequential approach does not relate to need or deficiencies in provision.
- 4.9 The Mansfield case considered a proposed out of town Aldi foodstore, for which planning permission was granted, but later quashed. The case set the principle that the identity of the applicant is not relevant to the sequential test.
- 4.10 The Rushden Lakes case concerned a hybrid application for a mixed-use scheme of retail and leisure facilities. In this case both the Inspector and the Secretary of State found no requirement to disaggregate any part of the proposed development. There is no requirement for an applicant to disaggregate any proposed main town centre uses from the overall development.

### **National Planning Practice Guidance**

- 4.11 The National Planning Practice Guidance was originally published online in March 2014 and is a web-based resource for all material relating to planning. The guidance and policies published here form a material consideration for any planning application decision. The NPPG is a “real-time” resource, within individual paragraphs, updated by the DLUHC<sup>17</sup>.
- 4.12 The NPPG contains a number of paragraphs regarding the vitality and viability of town centres, and also the sequential approach. Paragraph: 011 Reference ID: 2b-011-20190722<sup>18</sup>

#### ***“How should the sequential test be used in decision-making?”***

*It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority is expected to support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity.*

*The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:*

- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

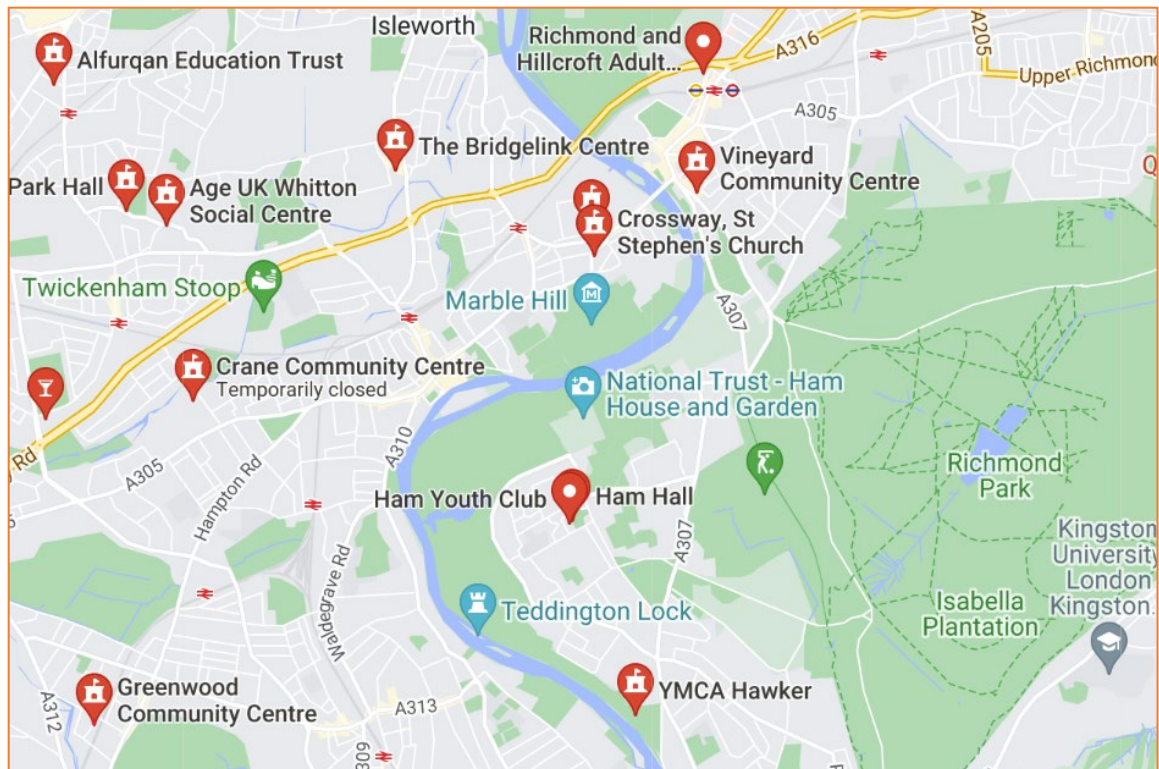
<sup>17</sup> Department of Levelling Up, Housing and Communities.

<sup>18</sup> Revision date: 22 07 2019

## 5 The Sequential Test

### Main Centres

- 5.1 Within the London Borough of Richmond, there are five main centres. These are Richmond, Twickenham, Teddington, East Sheen and Whittingham. The relocation of Ham Community facilities to these centres is neither practical nor desirable. The *raison d'être* of Ham Community Centre is to serve the residents of Ham. For this reason, the main centres have been discounted from the assessment.



**Figure 7:** Community Centres in Richmond Area (Google 2022)

### Local Centres

- 5.2 Richmond Upon Thames has 7 local centres. These are Barnes (High Street & Church Road); East Twickenham; Hampton Hill; Hampton Village; Ham Parade; Kew Gardens and St Margarets.
- 5.3 Of these local centres, only Ham Parade is capable of serving the local community. Ham Parade is located approximately 1 kilometre to the south of the current community centre on Ham Close. Ham Parade can be accessed relatively directly by road via Ham Street, Ham Common and Upper Ham Road.
- 5.4 Three potential sites were identified for consideration. These are all marked out below.





**Figure 8:** Sites in proximity of Ham Parade.

Physio Extra

5.5 The Physio Extra site is a thin linear plot with car parking provided at grade. The existing built footprint measures approximately 70m<sup>2</sup> in area. The developable area of the car park is estimated to be 116m<sup>2</sup>. With a combined maximum footprint of 186m<sup>2</sup>, this would require a four storey or greater building. The linear nature of the site means that the maximum width achievable would be 9m, compromising the activities that could take place. The site is not currently available for purchase. For these reasons the site has been discounted.

Crown Garages

5.6 The Crown Garages site is a triangular plot, accessed via Duke Road. The site itself cannot be accessed from Ham Parade. The main storage building has footprint of approximately 241m<sup>2</sup>. A secondary office building has a built footprint of 76m<sup>2</sup>. Both buildings are set within an estimated developable area of 441m<sup>2</sup>. The site is not currently available for purchase. For this reason the site has been discounted.

Petrol Station

5.7 The BP Petrol Station (Recently rebranded as Texaco) occupies a prominent corner location near the borough boundary with the Royal Borough of Kingston Upon Thames. Its prominent corner location between Duke Street and Ham Parade, means that sufficient visibility splays will need to be accommodated in any redevelopment. The estimated built footprint is considered to be 300m<sup>2</sup>, necessitating a three-storey building. The site is not currently available for purchase. For this reason the site has been discounted.

## 5.8 Neighbourhood Centres

5.9 Richmond Upon Thames has 8 neighbourhood centres. These are Castelnau; Friars Stile Road Hampton Wick; Heathside (Powder Mill Lane) Sheen Road; Kingston Road (Teddington) Stanley Road (Teddington) and White Hart Lane (Barnes/Mortlake). The relocation of Ham Community facilities to these centres is neither practical nor desirable. The *raison d'être* of Ham Community Centre is to serve the residents of Ham. For this reason, the neighbourhood centres have been discounted from the assessment.

## Parades of Local Importance

5.10 LBRuT has 15 Parades of Local Importance. These are; Ashburnham Road; Fulwell; Ham Street/Back Lane; Hampton Nursery Lands; Hospital Bridge Road; Kew Green; Kew Road; Lower Mortlake Road; Nelson Road; St Margarets Road (parade to the north of A316); Sandycombe Road (Kew); Strawberry Hill; Twickenham Green; Waldegrave Road; and Whitton Road.

5.11 Ashburnham Road contains two distinct parades (as defined on the policy map). To the west beyond the school is one parade of shops. The second is immediately east, wrapping around Ashburnham Road and Ham Street, but referenced as Ham Street/Back Lane.



**Figure 9:** Excerpt from Proposals Map 2015 (awaiting LBRuT update).

5.12 The sequential test has considered sites for both Parades of Local Importance, consistent with the approach for local centres.



**Figure 10:** Sites in proximity of Ashburnham Road and Ham St/Back Lane

Former Royal Oak Public House

5.13 The former Royal Oak Public House is currently on the market and available for freehold sale<sup>19</sup>. Spread over a basement and three floors, the building has a Net Internal Area of 221m<sup>2</sup>, and an approximate Gross Internal Floor Area of 234m<sup>2</sup>. The property consists of a pub at Ground floor with residential above. The site lies within the Ham Common Conservation Area and is considered to be a Townscape Building of Merit. Owing to the small size of the plot, accommodating a community centre on the site would require complete redevelopment and increase in scale. Such a proposal is considered credible in light of the heritage restrictions and therefore the site has been discounted.

Garages Rear of 81 -105 Ham St

5.14 The garages to the rear of 81 -105 Ham St are currently demised to the block of flats. The site footprint is 351m<sup>2</sup>. The developable area will nonetheless be lower given the proximity of windows in the block of flats. The site appears to be under-utilised, but is not currently available for sale, and would require negotiation with tenants. For this reason, it has been discounted.

Garages to the rear of Ferrymoor Road

5.15 The garages to the rear of Ferrymoor Road cover a site area of 559m<sup>2</sup>. The developable area will nonetheless be lower given the proximity of windows in the block of flats. The site appears to be under-utilised but is not currently available for sale and would also require negotiation with leaseholders. For this reason, it has been discounted.

<sup>19</sup> Marketed by Michael Rogers LLP, Chartered Surveyors



### Rushmead Garages

- 5.16 The garages at Rushmead cover a site area of 1,119m<sup>2</sup>. The site is a potential infill opportunity with sufficient space to accommodate a community centre, although would require sensitive design given the proximity of windows in the block of flats. The site appears to be under-utilised, but is not currently available for sale, and would require negotiation with tenants. For this reason it has been discounted.

### Watermill Close garages

- 5.17 The garages at Watermill Close cover a site area of 975m<sup>2</sup>. The site is a potential infill opportunity but is further away from public transport opportunities than the existing community facility, with the closest bus stop at Mariner top over 200metres away on Broughton Avenue. The site appears to be under-utilised, but is not currently available for sale, and would require negotiation with tenants. For this reason it has been discounted.

### **The Location of the Community Centre at Ham Close**

- 5.18 Following resident feedback, it was decided early on in the resident consultation that a replacement community centre would be better relocated “*by the shops*”<sup>20</sup>.
- 5.19 Such a position has a number of benefits. Logistically, it can be built immediately and does not require the demolition of any existing homes or facilities. This allows continuity for users with no interim loss of facilities. The more prominent location also provides greater accessibility for the wider community. There are also synergies between the recreational use of Ham Village Green and the Community Centre. Finally, the existing hard standing represents under-utilised land used for occasional parking. By situating the community centre in this location, it enables a better optimisation of residential homes at Ham Close.
- 5.20 The new location would be sequentially preferable, being immediately next to the Parade of Local Importance. The sequential test has therefore been passed.

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<sup>20</sup> Headline Consultation Responses January 2017, Uplift Ham, LBRuT and RHP.

## 6 Sequential Test Summary and Conclusion

- 6.1 Ham Community Centre is an established community facility that serves the residents of both Ham Close and the wider Ham community. Local groups include Achieving For Children (AfC), TAG Youth Club and Ham United Group (HUG). The proposals would increase the community centre by 101m<sup>2</sup> and locate the centre in closer proximity to existing shops.
- 6.2 New Community facilities are provided as part of the Ham Close regeneration planning application and are reliant on the overall residential-led scheme. Whilst case law states that the application should not be disaggregated, this sequential test has looked at the possibility of a separate standalone centre. It is evident that no sequentially preferable sites exist.

## 7 Marketing/ Statement of Justification

- 7.1 Appendix 5 of the local plan<sup>21</sup>, states that “marketing evidence to be submitted for applications involving the loss of certain uses in order to provide justification that those sites are no longer required for their existing uses”. Social and Community Infrastructure (D Class and sui generis) is listed as one such use.

### Evidence that the facility is no longer needed

- 7.2 For the avoidance of all possible doubt, there is no loss of Social or Community Infrastructure arising from the development. The proposals will result in a net gain of Social and Community Infrastructure. Current floorspace will increase from 615m<sup>2</sup> to 716m<sup>2</sup> in area. Furthermore, the area will be far more usable – meeting the latest standards in accessibility and energy efficiency/ sustainability.
- 7.3 The Maker Labs are considered to be sui generis, but nonetheless a key piece of Social infrastructure. There is no loss of this facility. The proposals will result in a net gain in area. Like the new community centre, the area will be far more usable – meeting the latest standards in accessibility and energy efficiency/ sustainability.

### Evidence that the loss of the facility will not have a detrimental impact on social and community provision

- 7.4 The proposals have been purposefully sequenced to ensure the new community centre and Maker Labs are built in the first phase of development. This will be prior to the demolition of the current facilities. There will be continuity of use throughout development.

### Consideration should be given to the potential adaptation of the site to meet community needs in the future

- 7.5 The proposals have been developed in collaboration with LBRuT. Full details are set out in the Design and Access Statement (p284-388). Amongst the design features incorporated as a response to consultation is a flexible large community lounge which can be used by AfC and TAG users. Similarly, the new activity hall is capable of being adapted for a variety of uses activities including skateboarding and Parkour. Storage space is also better located in relation to the main hall allowing for ease of set up and clearing away.
- 7.6 The building itself is far better suited to the adaption of Climate Change. The proposals will achieve BREEAM Excellent. The use of architectural masonry requires less mortar and incorporates sustainable timber panels to reduce the overall carbon footprint. The “fabric first” approach to building design will lower overall energy requirements in comparison to the existing building.

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<sup>21</sup> Paragraph 18.0.1, London Borough of Richmond Upon Thames



Evidence that the premises have been offered at a reasonable charge to appropriate user groups

- 7.7 The facility will be run as a public facility by LBRuT, who remain freeholders of the premises and we understand will continue to offer the premises at a reasonable charge to leaseholders/ user groups. The applicant Hill Residential are responsible for developing the centre but will not be responsible for setting any charges or taking any income from the centre or the land on which it sits.