

The Former Stag Brewery

Mortlake

London SW14 7ET

Statement of Case

West London River Group and The Towpath Group

Appeal Case References APP/L5810/W/24/3339060

APP/L5810/W/24/3339062

05/04/2024

1. West London River Group and Towpath Group

1.1 The West London River Group's (WLRG) members are riparian amenity societies and other community groups whose areas of interest are in or near the River Thames between Kew and Chelsea. The Towpath Group comprises groups and individuals who aim to achieve the maximum amenity, ecology and landscape potential of the wooded Towpath between Kew Bridge and Beverley Brook. The Towpath Group is a member of the West London River Group and both are members of the Thames Strategy: Kew to Chelsea Steering Group.

Website: www.westlondonrivergroup.org

1.2 The redevelopment of the Brewery site presents a great opportunity to re-establish a focal point in Mortlake and an opportunity to create a vista through to the River Thames. However, we are of the view that the appellants and Richmond Council have not taken our objections and concerns about the impact of the development on the River and the TowPath, which is part of the National Trail, into consideration during the planning process. These concerns and objections have been represented at various times to the developers.

1.3 In recent years changes in planning legislation and guidance have, for example, increasingly referenced the environment, climate change, flooding, sustainability. We are aware that much of this came into effect after the submission of the planning applications. However we are of the view that consideration should be given to incorporating these changes into the plans for the site and its environs in order to sustain this development for the future.

2. Summary of Objections

- Context: River Thames and Thames Path: Towpath
- Tall Buildings, Overshadowing
- Traffic, Air Quality, Ecology
- SUDS
- Use of River for transportation
- Conclusion

3. Context

3.1 The River and the Towpath is a public realm amenity. The Wooded Towpath from Putney to Richmond is one of the glories of West London and a cherished stretch of the River Thames, enjoyed by residents, visitors, rowers, and walkers on the Thames Path/National Trail alike. It is acknowledged as the gateway to the Arcadian Thames and is renowned for its riverscape. Its unique characteristic is rural, not urban, and the context of the River and the Towpath has not always been clearly understood by the developers.

3.2 River Thames

3.2.1 The River Thames forms the northern boundary to the site. Dukes Meadow, a large area of open sports fields and recreation areas is one the opposite bank of the River (the North) and is designated Metropolitan Open Land. To the north west of the site is Thames Bank - many listed buildings, 2/3 STOREY, residential properties and includes the Ship Inn (BTM) on the corner of Ship Lane.

Sited at the corner of Ship Lane and the Towpath, the Landmark Maltings building gives way to a high Brick Wall which runs Eastwards along the length of the Towpath and River as far as Bull's Alley bordering the site and acting as a Flood Defence.

3.2.2 Due to the proximity of the River to Thames Bank and the Towpath there has always been flooding along this stretch of the River. High tides, Spring tides and in recent years exceptional rainfall combined with an increasing volume of water coming off the land and flowing downstream. In addition there has been an increase in the frequency of Thames Water releasing water into the Thames. (This references its impact more clearly: Mortlake floods as River Thames bursts its Banks: You Tube Harry Law). The Towpath between Thames Bank and Jubilee Gardens to the East towards Barnes is impassable at high tide.

3.2.3 The UK's climate is already changing. Warmer and wetter winters; Hotter and drier summers; More frequent and intense weather extremes. England will likely experience heavier rains and more rain could fall during winter storms. Higher summer temperatures will likely cause more severe heatwaves. In July 2022, UK temperatures exceeded 40°C for the first time on record. Flash flooding events are more likely, especially in urban areas. (Climate Change Explained. Detailed Guide 2023. Dept for Energy, Security and Net Zero). These changes will take place during the construction of any development on this site and need to be taken into consideration.

3.4 The Thames Path: the Wooded Towpath

3.4.1 The Towpath is part of the Thames Path and one of the National Trails. This section of the Towpath is part of what is known as the Wooded Towpath due to the large variety of different trees and flora that exists on either side of the path and this is its prime characteristic. It provides a rural setting with the River as its backdrop to a suburban/urban part of London. We believe that it is essential that the contrast this stretch of the river provides is maintained. It is heavily used by many: local people walking, children, dogs, walkers on the Thames Path, cyclists, parents with prams and others sat quietly looking at the river and enjoying the views. Rowers, paddle boarders and other River users frequent this stretch of tidal river. During Covid this stretch of the river was heavily used by people who came from further afield and this has continued. It is particularly busy in the summer months when the overarching trees provide welcome shade.

3.4.2 The Towpath benefits from a Towpath Management Plan which is discussed at length with the Towpath Group. The stretch of the Towpath that borders the development site falls within this Management Plan and identifies that the London Borough of Richmond and the Port of London Authority (PLA) have overall responsibility for the management and maintenance of the trees, flora and habitat. The PLA also oversees the revetments on the river side. In addition the PLA employs a 4 person team to maintain and improve the riverside environment. Towpath Management Plans have been in place for many years and the most recent (Port of London Authority & London Borough of Richmond upon Thames Wooded Towpath

Plan 2022-2036 Tree Survey and Tree Management with Ecological Considerations (Towpath between Ferry Road Kew and Beverley Brook Rootcause Ltd & Wild Future Outdoors Ltd). provides a detailed overview of works and improvements to be made including the planting of 'at risk' species of trees. Consideration has also been given to changing climate and new species in respect of planting.

3.4.3 The Towpath from the end of Ship Lane to Bulls Alley varies considerably in width and where it is most affected by high tides and being under water the surface is laid with 'sets' that have proven to be the most resilient. There is therefore a clearly defined programme locally for the Towpath and regular discussions with Thames Path managers ensures that every opportunity to improve the Path is taken.

3.4.4 The extra foot and cycle usage that will be generated by the number of residents and people working within the proposed development is not sustainable given the varying width of the Towpath along this stretch of the River. In addition Thames Bank and the towpath are frequently underwater. This raises concerns, as it is suggested that students (at the proposed new school) use the Towpath to get to school either by foot or cycle. Thames Bank and the Towpath would be hazardous to navigate through at times of very high tides. Therefore both practically and in terms of safety it should not be relied upon as an alternative route for school 'traffic'.

3.4.5 Clarification is needed on the length of the steps/ramp leading directly onto the towpath from the plaza level. Although they are at different heights on planning application surface water would still come down over the steps directly onto the Towpath. In addition there are trees bordering the riverside of the path that are part and parcel of the characteristic of this section of the Towpath. This access does not serve as an effective transition between river, towpath and new buildings.

3.4.6 It is also unclear from the plans whether the Riverside Terrance would directly overlook/look down onto the Towpath.



Vegetation and tree on riverside of Towpath.



Towpath towards Barnes



Near the Maltings.

4. Tall Buildings: their impact on the River, Towpath, Views, Vistas and Heritage

4.1 With the exception of the Maltings, tall buildings are not typical of the overall character of the area or Richmond in general. The design of the blocks will not make a positive contribution to the quality and character of the skyline (London Plan 2021 3.9.6). In the context of the surrounding areas the blocks constitute tall building as they are substantially taller than surrounding buildings and cause a significant change to the skyline (London Plan 2021 3.9.3). They do not protect and enhance the open quality of the river and riverside public realm. The blocks as presently constituted only provide increased shading over the Towpath and the River.

4.2 The Maltings, built in 1902 for hop processing has 8 floor levels with the floor to floor levels very low due to its previous usage. The Maltings, a locally protected Historic Building, is now subsumed in scale by the increased height of the proposed surrounding new buildings. The Maltings became familiar to millions of people through the televising of the annual boat race. It is a Landmark and from afar heralds Mortlake and Chiswick Bridge. It gives a sense of place. The Maltings is also a key focal point in views from Chiswick Bridge and from towpath views on the downstream south back near the White Hart public house and Barnes Bridge. The current design masses the blocks together and is out of character with the area, overpowering the Maltings, the river, views and vistas.

4.3 Landmark structures should respond to analysis of key view corridors towards the site

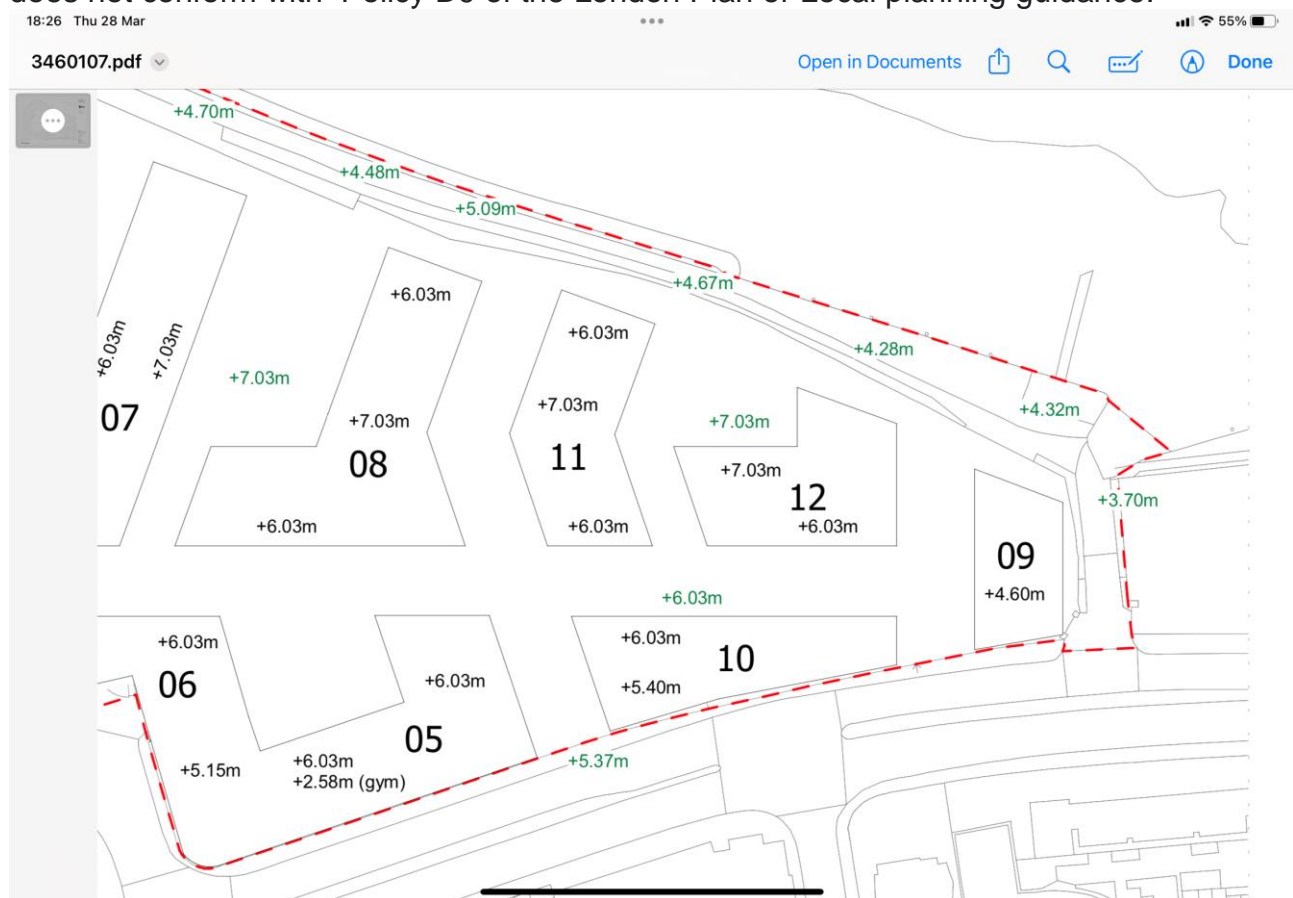


Looking back towards the Maltings and Chiswick Bridge from the Towpath

to ensure the precise placement, form, skyline and detailing accentuate its prominence within the wider context.(London Plan D8). The proposed blocks, especially, 2/3/7/8/11/12 should therefore stand back from this site and be tiered instead of

overpowering it. This oppressive scale of development is contrary to the London Plan Policy, LP3,LP4,LP5. and Thames Policy Area guidance.

4.4 The closeness of the development site to the river has meant that the Flood defence wall has been risen from 6.7m on the riverside rising to 7.3 metres within the site. The Towpath along the river side of the development varies in height from 4.25 metres to 5.00 metres. We maintain that on a riverside development, particularly one that is so close to the River, 'Ground Level' should be the level of the Towpath, not the higher level behind the flood defence wall. This contributes significantly to the overpowering and increased overshadowing of the River and Towpath, changing the skyline, vistas and views and impacting on the local ecology. The development site is in the Thames Policy Area and does not conform with Policy D9 of the London Plan or Local planning guidance.



Towpath heights and 'starting' heights of buildings.

5. Daylight Sunlight, Overshadowing and Light Pollution

5.1 The height and proximity of the buildings within the development in relation to the River and Towpath will have an overshadowing impact on the environment and its habitat. The land slopes down to the river which magnifies the impact of the buildings height. This is particularly noticeable

at low tide and being on the south side of the River the impact on the habit and environment is magnified.

5.2 The EIA considers the area in which the proposed development is to take place as falling under Zone E3. However the present setting and surroundings do not fall easily into this category and Zone 2 would be more appropriate. This is a rural and dark section of the river and Sky Glow, Light Trespass and Building Luminance will have impact on bats (see Ecology EIA Report) as well as neighbouring homes.



From other side of the river and also view from Chiswick Bridge at night

6. Traffic

6.1 The proposed changes would have an even greater impact ...”on highway safety and the cumulative impact on the road network would be severe.” (NPPF Promoting Sustainable Transport Section 9 paragraph 109). The development does not take into account the substantial developments that are already taking place elsewhere including in Brentford and the new proposed Kew Retail site. The impact that this has already had on the South Circular has resulted in long delays, congestion points, roads being blocked and increased levels of air and environmental pollution. The absence of a functioning Hammersmith Bridge has exacerbated an already overcrowded road system and impacts on the daily lives of many within South West London.

6.2 As the site has a PTAL of 2(best 6b, worst 0) it is evident that significant reliance will be placed on private means of transport. This is admitted in a report from BNP Paribas Real Estate Stag Brewery Impact of Reduction in Basement on Scheme Viability (29th July 2022)where the number of residents cars is cut from 478 to 408 now 337 spaces with 71 commercial spaces.

6.3 The bus services reasonably close to the site are not overly generous nor are they on main routes for frequency of delivery.

6.4 Mortlake NetWork rail station approximately 250m from the site provides adequate passenger services during peak hours but, at present only two trains per hour outside the peak period. NetWork Rail have confirmed that the level crossing with Sheen Lane is one of the most dangerous on the network as fast through trains are frequent.

7. Air Quality

7.1 Policy SI 1 of The London Plan, Improving Air Quality states the need for any development not to lead to a further deterioration of existing poor air quality. The development, by reason of its location within an Air Quality Management Area and Air Quality Focus Area; the proposed alterations and increase to the size /use of the road network; together with the subsequent reduction in width of the public realm, footpaths and green verges; and the absence of acceptable mitigation to protect the users of the pedestrian network; would result in a poor walking environment and increase the risk of exposure to poor air quality in an area that already suffers from high levels of pollution.

7.2 The development is thereby contrary to policies, in particular policies LP 10, LP 30 and LP 44 of the Local Plan, policy 7.14 of the London Plan and the National Planning Policy Framework, all of which aim to improve local environmental conditions such as air quality, minimise increased exposure to existing poor air quality, and enhance existing walking /cycling networks and people's health and wellbeing. There is currently no acceptable mitigation to increases in traffic caused by the Scheme. Pollutants will also impact on the River and the local habitat.

8. Ecology EIA Report

8.1 The Report identifies at least five species of bats which frequent in various ways this area of the River and it should be noted that some of these species are light sensitive. In addition the area is also used by a variety of other birds which are not mentioned in the Report. The bats are assessed as of local value and as such consideration should be given to ensuring a supportive environment in addition to bat boxes.

9. Drainage including Sustainable Drainage Systems, Surface Water and Water Quality

9.1 The site places constraints, (it is underlain by clay, its proximity to the river suggest high groundwater and there is a possibility of contamination due to previous uses including the proposed loss of the playing field) on a full range of SUDS techniques being used. Rain gardens, green roofs, retention basins are proposed for the site. However, this is a very large site and needs to be used in greater quantity than is currently indicated. Likewise the nature of the landscaping should have wider areas of grass, more trees than the suggested number and more general planting.

9.2 Recent reports/commentaries including those from Defra and the Environment Agency have clearly underlined the concern that the whole country has with Water Companies. For the first time ever DEFRA is in a position to monitor more effectively the frequency of storm overflows and their duration. Defra: Storm Overflows Discharge Reduction Plan, Sept.2023 states that under Schedule 3 of the Flood and Water Act SUDS will be put on a

mandatory statutory footing including introducing new standards, and removing the automatic right of new developments adding more surface water to the combined sewer network when it rains. The situation in regard to the quality of the surface water needs to be monitored including for any contamination. Rigorous testing of the soil for contamination will identify whether other features of SUDS can be introduced into the site.

9.3 The drainage report states that surface water will drain, through gravity directly into the River. There is no mention of potential pollutants that this will carry into the River. Equally if the site is to be built there is no mention of how surface water is to be carried away during any potential building or demolition. Greater, accessible clarification is needed in this area of the development.

10. Spoil and Waste from the site.

The alternative of transportation by barge on the river needs to be re-considered. The Thames has been used successfully for other large scale projects (Thames Tideway Tunnel). The current proposals to transport demolition waste and excavated soil from, and construction materials to the site by vehicles on the Lower Richmond Road will have a significantly negative impact on the environment, local residents and add significantly to air pollution, increase traffic idling time and add to an already heavily congested area.

Conclusion

We are of the view that some of the opportunities afforded by the Brewery site have been missed. There are very few, if any new developments that are this close to the River. The towering blocks and density overpower the River, the Towpath, local architecture, heritage and the characteristic of Mortlake. We are concerned that many aspects of recent legislation will not be applicable to the site's proposals. The Environment Act 2021 which includes Biodiversity Net Gain should, we believe, be applicable. The Urban Design Study carried out by Arup for Richmond Council (April 2023) more appropriately identifies a clearer path for developers as does the new draft London Plan. The changes in our weather patterns are already taking place and need to be recognised and responded to in a positive way. The River Thames is already heavily polluted, with frequent discharges due to limited capacity to cope with increases in rainfall. The SUDS proposals for this site should be an exemplar of what can be achieved. The River and its environs deserve it.