



London Borough of Richmond upon Thames (the Council)

Statement of Case

Date: 3 April 2024

Town and Country Planning Act Section 78

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

CONTENTS

CONTENTS		PAGE
1.0	INTRODUCTION	4
	Site and surroundings	4
	Proposed development	4
	Background and context	5
2.0	PLANNING POLICY FRAMEWORK	7
3.0	APPEAL PROCEDURE	8
4.0	THE COUNCIL'S CASE	10
	Principle of redevelopment	10
	Housing	10
	Town centre uses	10
	Offices	11
	Retail	11
	Hotel / Pub with accommodation	12
	Leisure, social and community uses	12
	School	13
	Design	13
	Public realm	14
	Townscape	15
	Hertiage	16
	Impact upon residential amenity	18
	Viability	19
	Other matters	20
	Planning Balance	23
5.0	CONCLUSION	24

Inspection of the statement of case and appeal documents

In line with Rule 6(2) of the Town and Council Planning (Inquiries Procedure) (England) Rules 2000, the appeal documents, including

- The appellants statement of case
- The Council's completed questionnaire and statement of case

are available for inspection on the Council's website on the relevant planning application file at www.richmond.gov.uk/searchplanning; and online at local libraries and at the Civic Centre, 44 York Street, Twickenham. Civic centre and library opening times can be found on the Council's website.

1.0 INTRODUCTION

1.1 This Statement of Case (SoC) refers to two conjoined appeals at the former Stag Brewery (the Site) within the London Borough of Richmond:

- APP/L5810/W/24/3339060: Identified as Appeal A and Application A, with Local Planning Authority reference 22/0900/OUT.
- APP/L5810/W/24/3339062 – Identified as Appeal B and Application B, with Local Planning Authority reference 22/0902/FUL.

Site and surroundings

1.2 A detailed description of the site and surrounding areas designations is set out in:

- Section 3 of the 19th July 2023 Planning Committee Report: [220900OUT and 220902FUL The Stag Brewery Lower Richmond Road Mortlake.pdf](#) (July Report).
- Section 3 of the 31st January 2024 Planning Committee Report: [220900OUT The Stag Brewery Mortlake SW14 7ET.pdf \(richmond.gov.uk\)](#) (January Report).

1.3 The Site is split into two by Ship Lane. The Site to the east of Ship Lane is referred to as Development Area 1. The Site to the west of Ship Lane is referred to as Development Area 2.

Proposed development

1.4 Appeal A is a hybrid application for the comprehensive redevelopment of the Site to include:

1. Demolition of existing buildings (except the Maltings and the façade of the Bottling Plant and former Hotel), walls, associated structures, site clearance and groundworks, to allow for the comprehensive phased redevelopment of the Site:
2. Detailed application for the works within Development Area 1 which comprise:
 - a. Alterations and extensions to existing buildings and erection of buildings varying in height from 3 to 9 storeys plus a basement of one to two storeys below ground to allow for residential apartments; flexible use floorspace for retail, financial and professional services, café/restaurant and drinking establishment uses, offices, non-residential institutions and community use and boathouse; Hotel / public house with accommodation; Cinema and Offices.

- b. New pedestrian, vehicle and cycle accesses and internal routes, and associated highway works.
 - c. Provision of on-site cycle, vehicle and servicing parking at surface and basement level.
 - d. Provision of public open space, amenity and play space and landscaping.
 - e. Flood defence and towpath works.
 - f. Installation of plant and energy equipment.
3. Outline application, with all matters reserved for works to the west of Ship Lane which comprise:
- a. The erection of a single storey basement and buildings varying in height from 2 to 8 storeys.
 - b. Residential development.
 - c. Provision of on-site cycle, vehicle, and servicing parking.
 - d. Provision of public open space, amenity and play space and landscaping.
 - e. New pedestrian, vehicle and cycle accesses and internal routes, and associated highways works.
- 1.5 Appeal B concerns a three-storey building to provide a new secondary school with sixth form; sports pitch with floodlighting, external MUGA and play space; and associated external works including landscaping, car and cycle parking, new access routes and other associated works. This is located within land to the west side of Ship Lane.
- 1.6 Both Appeal A and B form the Proposed Development.

Background and context

- 1.7 Application A and B were received by the Council on 17 March 2022, and validated on 11 April 2022.
- 1.8 Following the initial round of statutory consultation and neighbour notification in April 2022, amendments were made, which were subject to a second round of consultation and neighbour notification in December 2022.
- 1.9 By reason of the linked nature of the applications, one Planning Committee report was published to consider both applications, with two separate planning balance exercises and recommendations, which was considered by the Council's Planning Committee on 19th July 2023.

- 1.10 The Planning Committee resolved to approve both applications subject to:
- a. referral to the GLA at Stage 2 and no adverse direction; and
 - b. completion of a Section 106 Legal Agreement securing the Heads of Terms;
 - c. conditions and informatives; and
 - d. Additional and amendments to conditions and heads of terms as required, subject to these not being significant in nature and go to the heart of the Application.
- 1.11 On 24 July 2023, the Secretary of State for Levelling Up, Housing and Communities announced all buildings over 18 metres in height will require a second staircase. The Applicant took the decision to make amendments to Application A to allow the scheme to adhere to the forthcoming changes regarding fire escape, prior to any referral to the GLA. No changes were necessary to Application B, and therefore the resolution from the July 2023 Planning Committee for Application B remains.
- 1.12 The necessary fire amends were received by the Council in November 2023, which were subject to further statutory consultation and neighbour notification. The amendments to Application A were heard by the Council's Planning Committee on 31st January 2024, where again the Planning Committee resolved to approve subject to the same clauses set out in paragraph 1.10 above and updated conditions.
- 1.13 Ahead of any referral to the GLA, on 1st February 2024 the Council received notice of the Appellants intention to appeal for non-determination of both Application A and B. The reasoning focusing on the GLAs opposition to the Proposed Development and the absence of any legitimate evidence-based objection.
- 1.14 The Planning Inspectorate notified the Council of the start date of the appeals on the 28 February 2024.

2.0 PLANNING POLICY FRAMEWORK

2.1 The Planning Policy Framework consists of:

- a. The National Planning Policy Framework (NPPF).
- b. The London Plan 2021.
- c. The London Borough of Richmond Local Plan 2018 (Adopted Local Plan).

2.2 The London Plan and adopted Local Plan form the Development Plan.

2.3 On 19 January 2024, the Council submitted the Richmond Publication Local Plan - Regulation 19 version (emerging Local Plan) to the Secretary of State for examination, with the examination expected in Summer 2024. Together with the evidence, the emerging Local Plan has been a material consideration for the purposes of decision-making since 9 June 2023. However, it was agreed by Full Council that no weight, at this stage, will be given to

- Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied.
- Policy 39 in relation to the 20% biodiversity net gain requirement.

2.4 A comprehensive list of relevant Supplementary Planning Documents / Guidance is set out in Section 6 of the July and January Reports.

3.0 APPEAL PROCEDURE

3.1 The Council anticipates potential Rule 6 Parties may include the Greater London Authority and Local Groups.

3.2 Given the Council accepts the Proposed Development, as set out in the July and January Reports, and resolved to approve both Applications, it is hoped the matters within the Statement of Common Grounds will be extensive. However, where there remain issues in dispute between potential Rule 6 Parties, the Council considers these can only be properly explored through formal questioning of expert witnesses, and therefore the Council considers that a Public Inquiry would be the most appropriate appeal procedure.

3.3 The Council reserves the right to identify potential witnesses once the Case Management Meeting has identified the Rule 6 Parties and key issues.

3.4 The Core Documents will be agreed with the Appellants in advance of the Inquiry.

3.5 In addition to the application documents, planning history documents, consultee responses, the NPPF, NPPG, the London Plan 2021, Adopted Local Plan 2018, and material planning documents (listed in Section 6 of the July and January Reports) it is anticipated the following documents may be referred to:

- CIL Regulations.
- Urban Design Study 2023.
- School Place Planning Strategy (March 2023).
- Employment Land and Premises Needs Assessment 2023.
- Strategic Flood Risk Assessment.
- Local Housing Needs Assessment 2023.
- Playing Pitch and Outdoor Sport Strategy Action Plan Update (2022 and 2023).
- Playing Pitch and Outdoor Sport Assessment 2018 and 2023.
- Playing Pitch and Outdoor Sport Strategy 2018 and 2023.
- Indoor Sports Facility Needs Assessment 2015.
- Open Space Assessment 2015 and 2023.
- Retail and Leisure Needs Study (2021 and 2023).
- Assessment of Borough Centres 2023.

- 2017 GLA Working Paper 'Projections of demand and supply for visitor accommodation in London to 2050'.
- The London Visitor Nights Projection Technical Note January 2022.
- Whole Plan Viability Assessment.
- Intermediate Housing Policy Statement and Marketing Statement.
- Thames Landscape Strategy.
- Thames Strategy.
- Conservation Areas Statement and Studies.
- BRE 'Site layout planning for daylight and sunlight: A guide to good practice', 2022.
- Thames Estuary E2100 Plan.
- Basement Assessment User Guide.
- Good Practice Guide on Basement Developments (2015).

4.0 THE COUNCIL'S CASE

- 4.1 The following section summarises the key planning issues pertinent to both Appeals, responds to the Appellant's Statement of Case (SoC), and identifies areas of difference. These are considered in depth in both the July and January Reports.

Principle of redevelopment

- 4.2 The Council adopted the Stag Brewery Planning Brief (SBPB) in 2010, setting out the vision and aspirations of any future redevelopment on the Site, which is reflected, and updated, in the Adopted and Emerging Local Plan site allocations (SA24 and SA34).
- 4.3 The Appeals combined provide a cohesive and vibrant residential led mixed use redevelopment that will create a sense of place and new village heart for Mortlake. The development delivers a genuine mix of uses, that exceeds previous brewery use employment levels, and facilitates the opportunity for the provision of a secondary school with sixth form. The layout allows for new links between Mortlake and the riverside, the retention and reuse of historic buildings and high-quality design. The principle of the comprehensive mixed-use redevelopment thereby accords with the aspirations of the SBPB and adopted and emerging Site Allocations, which the Council welcomes.

Housing

- 4.4 Appeal A proposes 1075 units, with a genuine mix of unit sizes and tenures, allowing for the delivery of a mixed neighbourhood. The Council welcomes the housing delivery on this brownfield site, that will contribute significantly to the housing requirements in the Borough (4110 homes between 2019/2020 – 2028/2029 as set by the London Plan), meeting the aspirations of London Plan policy H1 and H10, adopted and emerging Local Plan policies (LP24, LP25, SA24, policy 13, 15 and SA34 respectively), and the NPPF, which affords substantial weight to the value of using suitable brownfield sites for homes.

Town centre uses

- 4.5 The adopted Local Plan (policy LP25) identifies retail, business and other uses which primarily serve the needs of the local community as appropriate uses within Areas of Mixed Use (AMU), and sets out the vision for Mortlake AMU, based on the redevelopment of the Site. This is reflected in the SBPB and adopted and emerging site allocations, which sets out key land use aspirations to include restaurants, cafes and small retail spaces, community leisure uses and other river-related uses / activities, to

create a new Mortlake Village, to generate vibrancy, local employment community, leisure opportunities and aminated active frontages.

- 4.6 Whilst the AMU is not taken forward in the emerging Local Plan, emerging policy 1 supports the living locally concept, and the Place Based Strategy for Mortlake and East Sheen is to create a new focus to Mortlake by redevelopment of the Site with a recreational and living quarter.
- 4.7 The Council agrees with the GIAs of the proposed town centre uses as set out in the Appellants SoC, and the proposed town centres uses as appropriate in policy terms that will contribute towards meeting the aspirations of the SBPB, site allocations and adopted and emerging Policy.

Offices

- 4.8 The NPPF places significant weight on the need to support economic growth, a strong and diverse economy and productivity, which is reflected in the London Plan and adopted and emerging Local Plans (Policies GG1, GG5, E1, E2, E3, LP40 LP41, policies 21, 22, 23 and 25).
- 4.9 The adopted and emerging site allocation and SBPB encourage the provision of employment floorspace, a substantial mix of employment (generating) uses, including lower cost units suitable for small businesses, creative industries and scientific and technical businesses including green technology.
- 4.10 The Council's Employment Land and Premises Study 2023, identifies a need for additional land over the plan period (1,143m² pa), and given the limited pipeline of supply, the aspiration to seek genuine mixed-use developments that provide a substantive mix of employment uses.
- 4.11 Appeal A proposes 1,827m² – 3,897m² of office floorspace with potential to support 291 gross FTE jobs, within adaptable and flexible accommodation; 10% affordable workspace; and commits to a local marketing plan. The proposed employment floorspace meets the aspirations of the policy, meets an identified need, and thereby welcomed.

Retail

- 4.12 Policies GG1, E9, and SD7 of the London Plan seek developments that generate a wide

range of economic opportunities, and bring forward capacity for additional comparison goods retailing, and for commercial space to be fit for purpose.

- 4.13 Appeal A provides a desired mix of commercial units, which will help stimulate vibrancy, create activity, and support economic growth and the creation of the new heart for Mortlake, aligning with the aspirations of the Site Allocations and SBPB and thereby supported. As evidenced in the Appellant's Retail Impact Assessment, and the Council's 'Retail and Leisure Study Phase 2 (2023)', the proposed retail floor area is of an appropriate scale and will not significantly adversely affect the viability and vitality of nearby centres, subject to the conditions concerning floorspace and maximum unit sizes.

Hotel / Pub with accommodation

- 4.14 Adopted and emerging local plan policies LP43 and 26 support the sustainable growth of the visitor economy and accommodation, endorsed by policy E10 of the London Plan.
- 4.15 The 2017 GLA Working Paper 'Projections of demand and supply for visitor accommodation in London to 2050', identifies a net room demand of 143 between 2015-2041 (based on borough shares of total pipeline development).
- 4.16 Appeal A proposes a hotel / pub with 15 hotel rooms, meeting an identified need. Whilst located outside a town centre, this is close to public transport and complementary to the mix of commercial uses on the site. As such, supported.

Leisure, social and community uses

- 4.17 The London Plan (GG1, S1 and S5) and adopted and emerging Local Plans (LP28 and 49) support social and community infrastructure where it provides for an identified need, and is provided in a multi-use, flexible and adjacent building or co-located with other social infrastructure uses which are well linked. The Development Plan supports the provision of water sports centres and river dependent or related uses on sites adjacent to the river. The SBPB and adopted and emerging site allocations identify community and social infrastructure uses as appropriate for the site.
- 4.18 The Council welcomes the range of community uses, including the school and associated sports provision, and opportunities for river related uses. Whilst the Council agrees with the GIA of flexible commercial space as set out in paragraph 4.32 of the Appellants SoC, for clarity the appellants agreed a condition for Building 9 to be used

only as a boathouse (Use Class F1) rather than be identified as 'flexible floorspace', which is necessary to meet the aspirations of the Development Plan.

4.19 The 'Richmond upon Thames Retail and Leisure Study' (2023) identifies a current over-supply of 3 cinema screens, but an under-supply of 138 seats. Population projections suggest a future under-supply of only 149 seats in 2039. Whilst the Council recognises the new cinema in Building 1, with up to four screens and 334 seats, will exceed demand, the Council agrees with the Appellant that the cinema will complement other mixed commercial and leisure uses, widen the leisure offer, and contribute to the evening economy.

4.20 The Council agrees the absence of public toilets is a departure to policy S6 of the London Plan, however, agrees with the Appellants this can be mitigated via condition.

School

4.21 The NPPF places great weight to the need to create, expand or alter schools (paragraph 99). This is reflected in the adopted and emerging local plans (policy LP29 and 50), which also support the provision of facilities to meet the needs for primary and second school places, identifying sites for education use and encouraging flexible and adaptable buildings to allow for multi-use. The adopted and emerging site allocation (SA24 and SA34) support the provision of an on-site new 6-form entry secondary school, plus sixth form.

4.22 Appeal B delivers a three-storey secondary school with sixth form, for 1,200 students, which the Council welcomes, recognising this will assist in meeting the eastern half of the Borough's current need, as evidenced in the Council's School Place Planning Strategy (SPPS), and future generations. Whilst not providing the recommended soft and hard outdoor space, and thereby identified as a harm, the Council acknowledges the standards are not statutory nor unusual for new schools in urban environments. A Community Use Agreement has been agreed, and welcomed, allowing for the collocation of social infrastructure outside school hours, to the benefit of the community and in line with the aspirations of the Development Plan. Heads of Terms are sought for the transfer of land and delivery of the school.

Design

4.23 The NPPF places significant weight on development that reflects local design policies, codes and government guidance to ensure land is used efficiently whilst creating

beautiful places, with a strong sense of place, that are visually attractive and sympathetic to local character. This is reflected in the London Plan (GG3, D2 and D3) and adopted and emerging local plans (policies LP1 and 2, and 28) that advocate a design led approach to achieve a high-quality development that respects, contributes and enhances the local environment taking into consideration local distinctiveness; maintains and enhances 'place', with a layout to encourage and facilitate active travel and legibility. The site falls within Character H1 Mortlake Riverside of the emerging Local Plan, which is defined as having a distinctive sense of place and heritage, with a vision to create a new focus to the village through the development of the Site.

- 4.24 The SBPB seeks a high quality, sustainable and inspirational design, with green spaces boarded by high quality traditional buildings of a style sensitive to the local vernacular, taking into account existing urban grain, and achieving a link between Mortlake Green and the river.
- 4.25 From a townscape perspective the Council accepts the demolition of modern utilitarian brewery buildings. The layout capsulates many aspirations of SBPB, with active frontages around public spaces, and link and relationship with the river. The warehouse and mansion blocks typologies, and stand alone cinema building are accepted providing richness, distinction and celebrating entrances. The layout of school allows a sense of openness to remain along Lower Richmond Road and integrates with the masterplan. A Design Code and conditions will ensure appropriate finishes. The Council agrees Appeal A delivers beneficial effects to views of the Site from the north bank of the River.
- 4.26 The Appeals have been subject to design scrutiny by Council's Design Review Panel, where the Appellants have partially responded to recommendations. Where there remains outstanding recommendations or concerns, these are deemed as missed opportunities rather than constituting poor quality or a harm.

Public Realm

- 4.27 Policies GG1, D3 and D8 of the London Plan encourage opportunities to create new public realm, which is well designed, provides a sense of place, conveniently located for social interaction, safe, accessible, inclusive, attractive, well connected, related to local and historic context and easy to maintain.
- 4.28 The SBPB and site allocations seek a high-quality public realm, with links to integrate the Site into the surrounding area, and a waterside open space. Similarly, policies LP18

and 51 seek developments adjacent to river corridors to contribute to improvements and enhancements to the river environment, to establish a relationship with the river; and to retain access and provide riparian lifesaving equipment.

- 4.29 The proposed public realm delivers an attractive and safe pedestrian environment, with a series of character areas, providing space for dwelling and good legibility, permeability and connectivity, to the River and adjacent open spaces, which the Council welcomes, representing a significant benefit, and meeting aspirations of the site allocations, SBPB and the Development Plan. Heads of Terms are agreed to secure the delivery of the public realm and towpath improvements.

Townscape

Views:

- 4.30 The Council disagrees with the Appellants conclusion that the likely residual effect on most views would be either 'insignificant or long term, local effects, ranging from minor to major beneficial significance depending on angle, range and context of view'. Whilst beneficial effects were identified to views 1, 5 -12, the Council identifies adverse effect to views 2 (Along Thames Path), 3 (Chiswick Bridge – south), and 4 (Chiswick Bridge north), resulting from the change in the skyline, lessened prominence of the Maltings and visual composition of the conservation area.

Townscape character:

- 4.31 The Council concludes Appeal A will achieve an acceptable relationship with the existing townscape along Mortlake High Street and Lower Richmond Road, nor overly dominate the river and towpath. However, disagrees the likely residual effect of the Proposed Development TCA1 (Mortlake Conservation Area) would be 'long-term, local effects of moderate, beneficial significance'. The Council identifies less than substantial harm to Mortlake Conservation Area.

Height:

- 4.32 Local Plan (LP2) defines 'taller' buildings as those being significantly taller than the neighbouring buildings, but less than 18 metres in height (below six storeys); and a 'tall' building as a building of 18 metres in height or higher. The Policy identifies 'taller' or 'tall' buildings may be appropriate at the Site, subject to these being of high architectural quality, that makes a positive contribution and generally reflect the prevailing building

heights within the vicinity; deliver public realm benefits; preserve and enhance heritage assets, and take account of climatic effects.

- 4.33 The SBPB sets out height parameters for the Site, ranging from 3-7 storeys, and recognises if taller buildings are necessary to ensure a viable scheme, these could be located at the core of the site, with height and scale diminishing towards the perimeter.
- 4.34 Policy 45 of the emerging Plan sets out tall buildings will only be accepted in tall building zones where the development would not result in any adverse visual, functional, environmental or cumulative impacts, having regard to all criteria set out in London Plan Policy D9. Appendix 3 of the emerging local plan, informed by the Urban Design Study, identifies there may be opportunities for buildings up to 7 storeys (tall building) at the Site, with a mid-rise zone buffer of 5-6 stories (mid-rise buildings), with buildings stepping down to the riverside and avoiding a wall of development.
- 4.35 Appeal A heights exceed the SBPB and emerging Local Plan. The Council disagrees with the Appellants the development is compliant with Policy D9 as a whole, with the Council identifying harms to three immediate and mid-range views (2, 3 and 4), to NDHAs, less than substantial harm to heritage assets, and some areas on non-compliance associated to light, which the Council weighed up in the planning balance.

Heritage

- 4.46 The Council disagrees with the Appellant's conclusions in paragraph 4.64 and 4.65 of their SoC that the Completed Development (Appeals A and B) will not cause any adverse impacts or effects to designated heritage assets or non-designated built heritage assets and draws the following conclusions:
- 4.47 Non designated heritage assets within the site:**
- a. The change from industrial use to commercial / residential would have an adverse impact on the NDHA within the site, in response to its change of character.
 - b. Maltings Building (BTM): Overall the industrial character of the building and an understanding of its former use will be retained, however, the development will lead to a change in the skyline, with new buildings appearing more dominant behind, diminishing its prominence. Therefore, some harm to the setting of the BTM is identified.
 - c. Former Hotel (BTM): The Development would reinstate its historic hotel function, enhance the understanding and appreciation of its heritage value, and maintains the

character and significance of this BTM and its setting.

- d. Former Bottling Plant (BTM): The works will preserve the character and significance of the BTM. The completed development will allow the significance of the building to be maintained and enhanced and will preserve its setting.
- e. Northern, eastern and southern boundary walls: Limited harm arising from the loss of historic fabric.
- f. Memorial and Historic Gates: Heritage value maintained.
- g. Railway tracks, Granite Paving and Moorings: The completed development would enhance their significance.

Group of listed Buildings, BTMs and Garden Wall on Thames Bank:

4.48 The individual significance of the built fabric will not be harmed. The completed development on the western part of the site will not have an adverse impact on the setting or significance of the existing houses on Thames Bank nor Varsity Row. The Council disagrees with the Appellant's view that the completed development will give rise to insignificant to long-term, local, beneficial effects of minor significance, and concludes the proposed blocks on the eastern part of the Site will result in less than substantial harm to the setting of the listed buildings and limited harm to the BTMs on Thames Bank.

4.49 Gateway, formerly to Cromwell House (Grade II): The significance and setting will not be harmed.

4.50 Non designated heritage assets on Mortlake High Street and Lower Richmond Road:

- a. 61-69 Mortlake High Street - Boat Race House - (BTM): Appeal A will complement and enhance the setting of the BTM.
- b. 3-9, 33, 37, 39-41, 45-51, and Day Care Centre) Lower Richmond Road (BTMs): The Appeals will bring about no change to the fabric and significance of the individual BTMs, and maintains their setting.
- c. The Jolly Gardeners Public House: Appeal A will benefit of the pubs setting and cause no direct harm to the significance of the BTMs.

Chiswick Bridge (Grade II):

4.51 The appeals will not diminish the setting, nor the heritage asset's associative relationship with the River Thames, nor its relationship with the listed and locally listed buildings along Thames Bank.

4.52 Conservation Areas:

- a. Mortlake Conservation Area: Whilst the loss the chimney and other modern buildings are not identified as having an adverse impact on the Conservation Area, less than substantial harm is identified to the significance of the conservation area resulting from the loss and modification to the boundary walls, the change in skyline around the Maltings with Appeal A; the Blocks on the eastern part of the site changing the character, visual composition of the conservation area and panoramic views on the bend in the river. The less than substantial harm arising from the change to the skyline equally applies to the River Thames Historic Landscape Character.
- b. Mortlake Green Conservation Area: The removal of the modern industrial structures is identified as a benefit. The contribution of the positive elements of the Conservation Area's setting would be sustained. The completed development would not harm the significance of the conservation area.
- c. Grove Park Conservation Area: The Completed Development will have a Beneficial effect.

4.53 The Council agrees with the Appellants conclusions in paragraph 4.66 of their SoC, that whilst giving weight to the harm caused to NDHAs and heritage assets, these are outweighed by the significant and substantial wider community and public benefits.

Archaeology:

4.54 The whole Site lies within Tier 2 of the Mortlake Archaeological Priority Area (APA 2.3). The Works will cause an adverse effect, and mitigating conditions have been agreed.

Impact upon residential amenity

4.55 Policies D3 and D14 of the London Plan, policies LP8, LP10 and LP39 of the Local Plan and policy 46 of the emerging Local Plan require all development to protect the amenity and living conditions of new and existing neighbouring properties, having regard to the Building Research Establishment guidance.

4.56 The Appellants SoC does not consider the visual and privacy impacts upon neighbouring amenity. The Council accepts whilst Appeals A and B will alter the outlook of surrounding properties and introduce common overlooking, subject to agreed mitigating conditions, the scheme retains an acceptable relationship with:

- Reid Court properties and gardens,

- Williams Lane properties
- Thames Banks
- Jolly Gardeners Public House and adjacent two storey offices:
- Properties on the southern side of Lower Richmond Road.
- Properties on the southern side of Mortlake High Street
- Boat Race House

4.57 The Council agrees Appeal A causes long term adverse effect of minor, moderate and major magnitude on light, and identifies this as a harm, to be weighed up in the planning balance.

- Long term, local and or minor adverse significance: Butler House; Vineyard Heights; 3-9 Richmond Road; Aynescombe Cottage; Reid Course:
- Long-term, local and of minor to moderate adverse significance: Jolly Gardeners; Churchill Court; 31 Vineyard Path; 2-6 Williams Lane;
- Long-term local and of moderate adverse significance: Rann House:
- Long-term, local and of moderate to major adverse significance: Boat Race House.

4.58 The Council accepts all amenity space surrounding the site would experience direct sunlight across more than 50% of their area for 2 hours or more on the 21st March, or see a reduction of less than 20% from the existing level.

Viability

4.59 Appeal A proposes 65 affordable housing units (241 habitable rooms), 7.5% of the total habitable rooms, with a 80/20 split favoured towards social rent. The Council supports the tenure and unit mix, that meets the chronic housing need for Richmond residents and is identified as a benefit.

4.60 In response to Appeal A falling short of the affordable housing targets, the Appellant's consultants (BNP Paribas) submitted a Financial Viability Assessment (FVA), which has been the subject of detailed scrutiny by the Council's consultants (Carter Jonas). Whilst the Council disagrees with the Appellant's inputs for the Private Residential Sales Values and Private Profit, the FVA adopted the Council's assumptions for modelling, on a without prejudice basis. Applying the Council's consultants' assumptions, the Council agrees the affordable housing offer exceeds that which is deemed the maximum viable quantum, which the welcomed.

4.61 The final Heads of Terms details remain to be agreed on phasing, review mechanisms, inputs, affordability, marketing plan, access, wheelchair housing and nomination rights.

Other matters

4.62 A series of Heads of Terms are being negotiated to mitigate the harms arising from the Appeals, on matters of sport, skills and training, offices, phasing, school, health, residential standards, trees, ecology, construction, towpath, Mortlake Green, public realm, community park, air quality, sustainability, transport, waste and monitoring.

4.63 The Council has assessed all technical material planning issues and clarifies below where the Council deems these in line with policy (subject to conditions and / or Heads of Terms) or where harm is identified:

4.64 In line with policy, subject to conditions / Heads of Terms:

- a. Air Quality: Appeal A achieves Air Quality Neutral with respect to building emissions, however, not transport emission. With mitigation secured via conditions and a Section 106, such harm can be offset. In line with policy, Air Quality Positive is achieved for both Appeal A and B, Appeal B achieves Air Quality Neutral, and the Development will not result in significant change to local N02, PM10 and PM2.5 concentrations.
- b. Contamination: With recommendations and mitigation secured via condition, the likely residual effect from contamination is insignificant or beneficial, and residual effect acceptable.
- c. Energy and sustainability: Both Appeals with agreed conditions and Heads of Terms, meet the requirements of adopted policy, achieving the necessary targets for onsite CO2 emissions, lean measures, zero carbon, BREEAM excellent, Cooling Hierarchy, Circular Economy. There are aspects where Appeal A and B do not address or meet emerging policy requirements.
- d. Flooding: Both Appeals meet the Sequential and Exception Test, comply with paragraph 173 of the NPPF and the drainage hierarchy; provide 95% betterment on existing drainage and meet greenfield runoff; and provide for a new and upgraded flood defence. The basement in Appeal A will not adversely impact the site itself, neighbouring properties, and the wider natural environment. Mitigation measures as identified in the ES, are recommended to be secured via condition.
- e. Fire Strategy: The Council and the Health and Safety Executive are both content with the fire safety design, subject to conditions.

- f. Lighting: The provisional lighting masterplan for Appeal A, which will accord with the recommendations of the ILP guidelines and not cause spill towards the waterfront, is accepted, subject to conditions. Application B incorporates a floodlit 3G pitch. With the conditions the overall effect to light spill and illumination intensity is insignificant and acceptable.
- g. Microclimate: With mitigating conditions, Appeal A would be suitable for its intended pedestrian activities, when assessed against the Lawson Comfort Criteria, and no strong winds in exceedance of the pedestrian safety criteria.
- h. Noise: The Noise Impact Assessment and ES consider the noise impact arising from works, building envelope, serving and deliveries; road traffic; playspace, external amenity areas; mechanical plant, play and sports facilities. With mitigation secured via condition and Section 106, the residual impact is acceptable.
- i. Odour: Conditions have been provisionally agreed to ensure both Appeals do not cause undue nuisance.
- j. Services and Utilities: Conditions have been provisionally agreed to secure digital connectivity, water supply and foul water network, and a suitable play strategy. A financial contribution has been agreed to increase capacity at Sheen Lane Health Centre to mitigate the potential harm arising from Appeal A. With the delivery of the secondary school in Appeal B, the education needs arising from the development can be catered for.
- k. Transport, delivery and servicing. In line with policy the masterplan creates a 'place', gives priority to pedestrians and cyclists, significantly improves the permeability and connectivity through the site and addresses the needs of people with disabilities. A balance has been struck between providing sufficient parking and to ensure excessive overspill parking does not occur (subject to Heads of Terms) and limit traffic generation. The Appeals are compliant with policy with respect to the electric parking provision, disabled provision, travel plans, and the car club to discourage private car ownership. It has been demonstrated the train services, station capacity, footbridge, stairs and entrances to Mortlake Station are sufficient to meet future demand, and whilst the Appeals will place increased demand on the bus network, a contribution to provide additional services and alterations has been agreed to mitigate such impact. Whilst accepting the developments will add significant demand onto the transport system (whilst not fully agreeing with the trip generation rates), with the comprehensive package of highway works, including Chalkers Corner 'light', improvements, contributions and initiatives, secured by the Section 106, the residual impact on the highway network is not deemed to be severe nor significant. The cycle parking provision is welcomed, in accordance or exceeding

with standards, supported by shower and changing facilities, and with provision for oversized and accessible spaces. The Appeals improve the environment, particularly for pedestrians and cyclists, informed by the ATZ and Healthy Streets Assessment.

- l. Playing Fields: The Council accepts the loss of the playing fields, given the site allocation and Appeal B meeting exception (c) of paragraph 103 of the NPPF and Sport England exception 5.
- m. Open Space: The Appeals provide valuable public open space and community park; a floodlit 3G pitch and other sporting facilities to mitigate the loss of the grass pitches; and mitigation to avoid unacceptable additional pressure on existing grass pitches and Mortlake Green.
- n. Other Open Land of Townscape Importance (OOLTI): The playing fields, pavilion and associated car park (2.2ha), are all designated OOLTI and Appeal B result in the loss of such. The Council accepts such loss, concluding with conditions, the reprovided space within Appeal A had the potential to be of greater value, in quantity, quality and openness, when compared to existing. Appeal A would not unduly diminish the overall greening, openness and character of Mortlake Green OOLTI.
- o. Trees: The loss of 55 trees is accepted, mitigated with conditions and CAVAT contribution.
- p. Metropolitan Open Land (MOL): The works within the MOL are appropriate, and preserve the openness, thereby meeting the exceptions. The Appeals are not deemed to visually or spatially harm the character and openness of the MOL.
- q. Waste: Subject to conditions and Heads of Terms the Council accepts the waste strategy.
- r. Ecology: The Appeals will result in direct and indirect effects, however, the mitigation hierarchy has been followed, secured via conditions and Heads of Terms, in line with policy. Whilst Appeal B does not achieve the Biodiversity Net Gain (BNG) targets, this can be mitigated by the credits in Appeal A.
- s. Residential Standards: Subject to conditions and Heads of Terms, the internal space standards, accessible homes, units per core are in line with policy.

4.65 Identified as a harm

- a. Ecology: Urban Greening Factor and Green Roof policy credentials are not met, and thereby identified as a harm.
- b. Residential standards: The Council identifies shortfalls against policy requirements, and thereby harms, regarding single aspect units and intimate relationship with other buildings on site, areas where there is limited space between buildings and

consequential visual and privacy impacts, the failure to meet BRE sunlight and daylight and private amenity space targets for all units, and noise levels on a limited number of balconies. All of such will lower the quality of the accommodation of some of the units.

Planning Balance

4.66 The Planning Balance in the Appellants SoC (paragraph 4.78) considers both Appeals together. The Appellants identify the following outcomes as a benefit, of which the Council disagrees. These form mitigation measures to address the impacts of development, rather than benefits:

- a. Significant highway upgrade works to Chalkers Corner, Sheen Lane and Mortlake High Street;
- b. Provision of bus contribution in-lieu (£3,200,000);
- c. Provision of 2,670 new cycle parking spaces;
- d. Contribution to Mortlake Green improvement works (£196,316.13).

4.67 In addition to the benefits set out in the Appellant's SoC, the Council identifies the following benefits:

4.68 Appeal A:

- a. Use of brownfield land for homes, of which substantial weight should be afforded.
- b. Setting of heritage assets through the demolition of modern utilitarian buildings.
- c. Beneficial effects on townscape: Enhancement and enlivenment to streetscape and riverside, enhanced views, removal of large utilitarian redundant structures.
- d. Enhancement to the flood defence, which meets and in places exceeds the aspirations of the TE2100.
- e. The Toucan crossing along the A316.

4.67 Appeal B:

- a. Sporting benefits that far exceed the existing site.
- b. Opportunity to provide a much-needed secondary school with sixth form, which is afforded great weight.

5.0 CONCLUSION

5.1 The Appeals do not meet planning policy and guidance at all levels (as suggested by the Appellant in paragraph 4.4 within their SoC), and the Council disagrees with the Appellant's conclusions on:

- Residual effect on views.
- Residual effect on Mortlake Conservation Area.
- Development compliance with policy D9 as a whole.
- Harm to designated and non-designated heritage assets.
- Impact on the setting of listed buildings and BTMs on Thames Bank.
- Viability inputs – Private Residential Sales Value and Private Profit level
- Mitigation measures identified as benefits.

5.2 Whilst the Council concludes there are instances where both Appeals do not meet policy requirements, as summarised below, the Council concludes harm caused to NDHAs, heritage assets, and other harms, are outweighed by the significant and substantial wider community and public benefits, and on balance the Council concludes both Appeal A and B comply with the Development Plan when taken as a whole.

Appeal A:

- a. Height exceeds that identified in the SBPB and emerging Local Plan.
- b. Less than substantial to the setting of listed buildings along Thames Bank, the significance and character of Mortlake conservation area, change to the historic landscape character along the Thames; harm to the setting of the Maltings and BTMs along Thames Bank, and views.
- c. Harm arising from the removal and modification of the boundary walls, a NDHA.
- d. A number of the units not meeting standards in terms of light, noise to balconies, private amenity space, limited spacings between buildings raising privacy and outlook implications, and north facing and / or single aspect units.
- e. Loss of light to neighbouring residential properties.
- f. Urban Greening Factor and Green Roof targets not met.
- g. Harm arising from the Works, particularly on light, noise, vibration, removal of historic fabric, visual effect of the construction plant, and ecology.

Appeal B:

- a. The school not providing the recommended soft and hard outdoor PE and soft informal space.
- b. The scheme falling short of the Urban Greening Factor, Green Roof target and Biodiversity Net Gain.
- c. Harm arising from the Works.