

Homebase, Manor Road, North Sheen in the London Borough of Richmond upon Thames

planning application no. 19/0510/FUL

Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

The description of development remains as the following:

‘Demolition of existing buildings and structures and comprehensive phased residential-led redevelopment to provide 453 residential units (of which 173 units will be affordable), flexible retail, community and office uses, provision of car and cycle parking, landscaping, public and private open spaces and all other necessary enabling works.’

Update

To consider the minor changes to the proposed development and any material changes to policy, planning guidance and site circumstances since the Mayor’s resolution to grant planning permission on 1 October 2020 and to extend the time period for completion of the Section 106 legal agreement to 30 January 2024.

Recommendation

That the Mayor:

- i. Agrees that the policy and guidance changes since the Representation Hearing do not change the resolution to grant planning permission made on 1 October 2020. The proposal remains in overall conformity with the development plan. This report explains how the adoption of the London Plan and other developments in planning policy and guidance relate to the assessment of the key planning issues in the Representation Hearing Report. It also updates the position in respect of emerging policy in Richmond which remains at an early stage of the process.
- ii. Agrees that any changes to site circumstance or the surrounding area since the Representation Hearing or the consultation responses received do not materially affect the resolution to grant planning permission made on 1 October 2020.
- iii. Notes that minor changes to the scheme have been made (see paras 5, 114 and 119 below), consulted upon and taken into account as set out within this report and agrees that it is unnecessary to re-open the Representation Hearing.
- iv. Agrees to an extension of time for the completion of the Section 106 legal agreement until the 30 January 2024 (i.e. the period after which the Head of

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Development Management or the Executive Director of Good Growth have delegated authority to refer it back to the Mayor in order to refuse permission if the Section 106 legal agreement is not completed).

Drawing numbers and documents

Demolition plans
Site plan demolition drawing: MNR AA ALL ZZ DR A 1500 R4
Ground floor existing demolition drawing: MNR AA ALL GF DR A 1501 R3
Mezzanine floor existing demolition drawing: MNR AA ALL M1 DR A 1502 R3
Sections existing demolition drawing: MNR AA ALL ZZ DR A 1503 R3
Elevations existing demolition drawing: MNR AA ALL ZZ DR A 1504 R3
Proposed drawings
General arrangement plans
Basement plan -MNR AA ALL B1 DR A 1999 R23
Ground floor plan - MNR AA ALL GF DR A 2000 R40
First floor plan -MNR AA ALL 01 DR A 2001 R33
Second floor plan -MNR AA ALL 02 DR A 2002 R29
Third floor plan -MNR AA ALL 03 DR A 2003 R28
Fourth floor plan -MNR AA ALL 04 DR A 2004 R29
Fifth floor plan -MNR AA ALL 05 DR A 2005 R28
Sixth floor plan -MNR AA ALL 06 DR A 2006 R28
Seventh floor plan -MNR AA ALL 07 DR A 2007 R27
Eighth floor plan -MNR AA ALL 08 DR A 2008 R26
Ninth floor plan - MNR AA ALL 09 DR A 2009 R26
Tenth floor plan -MNR AA ALL 10 DR A 2010 R16
Roof plan - MNR AA ALL 11 DR A 2011 R32
Phases 1-4 Phasing plan -MNR-AA-ALL-GF-DR-A-2101 R9
Affordable housing plan -MNR-AA-ALL-10-DR-A-2110 R7

Block A

Core A – Ground floor plan - MNR AA BA1 01 DR A 2100 R26

Core A – First floor plan - MNR AA BA1 01 DR A 2101 R20

Core A – Second floor plan - MNR AA BA1 02 DR A 2102 R19

Core A – Third floor plan - MNR AA BA1 03 DR A 2103 R19

Core A – Fourth floor plan - MNR AA BA1 04 DR A 2104 R20

Core A – Fifth floor plan - MNR AA BA1 05 DR A 2105 R19

Core A – Sixth floor plan - MNR AA BA1 06 DR A 2106 R19

Core A – Seventh floor plan - MNR AA BA1 07 DR A 2107 R19

Core A – Roof plan - MNR AA BA1 08 DR A 2108 R19

Cores B, C, D – Basement plan - MNR AA BA2 B DR A 2199 R19

Cores B, C, D – Ground floor plan - MNR AA BA2 GF DR A 2200 R26

Cores B, C, D – First floor plan - MNR AA BA2 01 DR A 2201 R21

Cores B, C, D – Second floor plan - MNR AA BA2 02 DR A 2202 R20

Cores B, C, D – Third floor plan - MNR AA BA2 03 DR A 2203 R20

Cores B, C, D – Fourth floor plan - MNR AA BA2 04 DR A 2204 R19

Cores B, C, D – Fifth floor plan - MNR AA BA2 05 DR A 2205 R19

Cores B, C, D – Sixth floor plan - MNR AA BA2 06 DR A 2206 R19

Cores B, C, D – Seventh floor plan - MNR AA BA2 07 DR A 2207 R19

Cores B, C, D – Eighth floor plan - MNR AA BA2 08 DR A 2208 R18

Block B

Core A – Ground floor plan - MNR AA BB1 GF DR A 2300 R25

Core A – First floor plan - MNR AA BB1 01 DR A 2301 R23

Core A – Second floor plan - MNR AA BB1 02 DR A 2302 R20

Core A – Third floor plan - MNR AA BB1 03 DR A 2303 R20

Core A – Fourth floor plan - MNR AA BB1 04 DR A 2304 R20

Core A – Fifth floor plan - MNR AA BB1 05 DR A 2305 R20

Core A – Sixth floor plan -MNR AA BB1 06 DR A 2306 R20

Core A – Seventh floor plan - MNR AA BB1 07 DR A 2307 R20

Core A – Eighth floor plan - MNR AA BB1 08 DR A 2308 R20

Core A – Ninth floor plan - MNR AA BB1 09 DR A 2309 R20

Core A – Tenth floor plan - MNR AA BB1 10 DR A 2310 R20

Core A – Roof plan - MNR AA BB1 11 DR A 2311 R12

Block C

Cores A & B – Ground floor plan - MNR AA BC1 GF DR A 2400 R29

Cores A & B – First floor plan - MNR AA BC1 01 DR A 2401 R25

Cores A & B – Second floor plan - MNR AA BC1 02 DR A 2402 R22

Cores A & B – Third floor plan - MNR AA BC1 03 DR A 2403 R22

Cores A & B – Fourth floor plan - MNR AA BC1 04 DR A 2404 R22

Cores A & B – Fifth floor plan - MNR AA BC1 05 DR A 2405 R22

Cores A & B – Sixth floor plan - MNR AA BC1 06 DR A 2406 R22

Cores A & B – Seventh floor plan - MNR AA BC1 07 DR A 2407 R22

Cores A & B – Eighth floor plan - MNR AA BC1 08 DR A 2408 R22

Cores A & B – Ninth floor plan - MNR AA BC1 09 DR A 2409 R14

Cores A & B – Roof plan -MNR AA BC1 10 DR A 2410 R13

Block D

Cores A & B – Ground floor plan - MNR AA BD1 GF DR A 2500 R26

Cores A & B – First floor plan - MNR AA BD1 01 DR A 2501 R22

Cores A & B – Second floor plan - MNR AA BD1 02 DR A 2502 R21

Cores A & B – Third floor plan - MNR AA BD1 03 DR A 2503 R21

Cores A & B – Fourth floor plan - MNR AA BD1 04 DR A 2504 R20

Cores A & B – Fifth floor plan - MNR AA BD1 05 DR A 2505 R20

Cores A & B – Sixth floor plan - MNR AA BD1 06 DR A 2506 R20

Cores A & B – Seventh floor plan - MNR AA BD1 07 DR A 2507 R19

Cores A & B – Roof plan - MNR AA BD1 08 DR A 2508 R18

Elevations and sections

Proposed site sections - MNR AA ALL ZZ DR A 3000 R10

Elevation AA – Manor Road - MNR AA ALL ZZ DR A 4000 R8

Block A elevations - MNR AA BLA ZZ DR A 4100 R14

Block A elevations - MNR AA BLA ZZ DR A 4101 R14

Block A elevations - MNR AA BLA ZZ DR A 4102 R15

Block A elevations - MNR AA BLA ZZ DR A 4103 R14

Block A elevations - MNR AA BLA ZZ DR A 4104 R14

Block A elevations - MNR AA BLA ZZ DR A 4105 R13

Block A elevations - MNR AA BLA ZZ DR A 4106 R12

Block A elevations - MNR AA BLA ZZ DR A 4107 R12

Block B elevations - MNR AA BLB ZZ DR A 4200 R12

Block B elevations - MNR AA BLB ZZ DR A 4201 R12

Block B elevations - MNR AA BLB ZZ DR A 4202 R12

Block B elevations - MNR AA BLB ZZ DR A 4203 R12

Block C elevations - MNR AA BLC ZZ DR A 4300 R15

Block C elevations - MNR AA BLC ZZ DR A 4301 R14

Block C elevations - MNR AA BLC ZZ DR A 4302 R15

Block C elevations - MNR AA BLC ZZ DR A 4303 R15

Block C elevations - MNR AA BLC ZZ DR A 4304 R13

Block C elevations - MNR AA BLC ZZ DR A 4305 R14

Block D elevations - MNR AA BLD ZZ DR A 4400 R12

Block D elevations - MNR AA BLD ZZ DR A 4401 R12

Block D elevations - MNR AA BLD ZZ DR A 4402 R11

Block D elevations - MNR AA BLD ZZ DR A 4403 R11

Block D elevations - MNR AA BLD ZZ DR A 4404 R11

Block D elevations - MNR AA BLD ZZ DR A 4405 R10

Landscape drawings

Landscape general arrangement - P11559-00-001-100-19

Landscape roof plan - P11559-00-001-101-09

Typical tree pit details -P11559-00-001-400-02

Supporting documents

Design and Access Statement (February 2019)

Heritage Statement (February 2019)

Townscape and Visual Impact Appraisal (February 2019)

Townscape and Visual Impact Appraisal Addendum V2 (May 2019)

Arboricultural Appraisal and Implications Assessment (December 2022)

Health Impact Assessment (May 2019)

Area Schedule: MNR AA ALL ZZ SC A 7010 P18

Revised Geoenvironmental & Geotechnical Preliminary Risk Assessment R1.6 (July 2020)

Design and Access Statement Architectural Addendum A3004 (July 2020)

Design and Access Statement Architectural Addendum (November 2021)

Design and Access Statement Architectural Addendum (September 2023)

Design and Access Statement Landscaping Addendum 02 (July 2020)

Design and Access Statement Landscaping Addendum 03 (July 2020)

Design and Access Statement Landscaping Addendum 04 (September 2023)

Updated Flood Risk Assessment (March 2023)

Addendum Flood Risk Assessment (August 2023)

Drainage Strategy (June 2023)

Flood Evacuation and Management Plan (March 2023)

Sequential Test (November 2022)

Hydrological and Hydraulic Modelling Report (March 2023)

Basement Screening and Impact Assessment (February 2023)

LLFA Technical Note 1: Model Review and Response to LLFA (July 2023)

Addendum Arboricultural Report ha/an2/mr/2020 (December 2022)

Revised Circular Economy Statement (May 2023)

Revised Construction Environmental Management Plan (February 2023)

Health Impact Assessment Addendum (July 2020)

Health Impact Assessment Addendum (May 2023)

Heritage Statement Addendum (July 2020)

Revised Daylight Sunlight Report v2 (July 2020)

Internal Daylight and Sunlight Report (BRE Guidance 2022) (April 2023)

Daylight Sunlight Addendum Letter (September 2023)

Planning Statement Addendum (July 2020)

Planning Statement Addendum (November 2021)

Planning Statement Addendum (September 2023)

Revised Air Quality Assessment Rev 01 (July 2020)

Air Quality Assessment Addendum (February 2023)

Revised Commercial Travel Plan 11205-005-06 (November 2021)

Revised Energy Strategy (May 2023)

Revised Fire Safety Statement (May 2023)

Revised Lighting Design Strategy Rev 12 (July 2020)

Revised Noise Vibration Impact Assessment Rev 09 (May 2023)

Revised Residential Travel Plan 11205-004-06 (November 2021)

Revised Servicing and Delivery Management Plan 11205-003-08 (July 2020)

Revised Sustainability Strategy (May 2023)

Revised Transport Assessment 11566/001/03 (July 2020)

Transport Assessment Addendum (April 2021)

Transport Assessment Addendum (November 2021)

Transport Assessment Addendum (August 2023)

Revised Utilities Statement Rev P7 (July 2020)

Revised Waste Management Strategy Addendum Issue 3.0 (July 2020)

Revised Waste Management Strategy Addendum (November 2021)

Revised Waste Management Strategy Addendum (August 2023)

Revised Wind Microclimate Assessment Rev E (July 2020)

Townscape and Visual Impact Appraisal Addendum 03 (July 2020)

Townscape and Visual Impact Appraisal Addendum 04 (September 2023)

Revised Whole Life Carbon Assessment (May 2023)

Digital Connectivity Note (November 2021)

Ecological Impact Assessment (including Biodiversity Net Gain Assessment) (May 2023)

Context

- 1 On 1 October 2020 the Mayor resolved to grant conditional planning permission in respect of planning application 19/0510/FUL within the London Borough of Richmond upon Thames, subject to the prior completion of a Section 106 legal agreement.
- 2 The Mayor also gave delegated authority for the Head of Development Management to negotiate the Section 106 legal agreement and gave delegated authority to refer it back to the Mayor to refuse permission should the Section 106 agreement not be completed by 8th January 2021.
- 3 The Secretary of State issued a holding direction on 15 September 2020 which was subsequently lifted on 14 January 2021.
- 4 Following the lifting of the SoS holding direction, slow progress has been made with the Section 106 agreement negotiations, but a draft legal agreement is substantially drafted. Since the Representation Hearing GLA officers have had to consider the implications on the scheme in response to a number of changes to policy including the adoption of the London Plan 2021, guidance and site circumstances. All the S106 obligations and conditions set out within the Representation Hearing Report and within this update report have been secured as set out within the draft 106 and draft conditions published with the Mayor's updated report.
- 5 Since the Representation Hearing minor changes have been made to the scheme by the applicant including changes to the red line boundary of the site in October 2021 and there was further public consultation in November/December 2021 and January/February 2022. In addition, further revisions were submitted on 28 September 2023 relating to fire safety measures, flooding and associated drainage and site level changes (which also incorporate the 2021 revisions and form a

consolidated set of plans and documents). These have also been subject to public consultation beginning on 5 October 2023 for three weeks and the representations received are addressed below.

Planning policy and guidance update

- 6 There have been several changes to policy and guidance since the Representation Hearing that should be considered, as discussed further below.

National Planning Policy Framework

- 7 A revised National Planning Policy Framework (NPPF) was published on 5 September 2023 and replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021. Alongside minor changes, the new NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and says that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, namely an economic, social and environmental.
- 8 The application and the Representation Hearing Report have been considered against the above amendments to the 2023 NPPF. Relevant matters relating to design, tree planting, public service infrastructure, and flood risk and sustainable drainage were addressed in the Representation Hearing Report.
- 9 All aspects of the design of the scheme are considered in depth in paragraphs 162-304 of the Representation Hearing Report. The Report concluded that the proposals would ensure a distinctive and high-quality development which would contribute positively to this part of Richmond.
- 10 As required by the 2023 NPPF, the detailed components of the scheme would create high quality, beautiful and sustainable buildings and places that will function well and add to the overall quality of the area over the lifetime of the development. The Representation Hearing Report fully responds to the ten characteristics of well-designed places identified in the National Design Guide and the National Model Design Code.
- 11 The scheme would deliver infrastructure through contributions secured in the S106 Agreement, including towards healthcare facilities in the vicinity of the development, public open space, and public conveniences. It would also contribute towards access and safety improvements to North Sheen station. The proposal will also be required to pay CIL in accordance with the Mayoral and LB Richmond levies taking into account the expected relief from the affordable housing floorspace.
- 12 The amendments to the NPPF are not considered to alter the recommendation outlined in the Representation Hearing Report. NPPF paragraph numbers in the Representation Hearing Report are those from the 2019 NPPF, which have been amended in the 2021 NPPF.

National Planning Policy Guidance

- 13 The National Planning Policy Guidance for flood risk and coastal change was updated in 2022 to the latest policy position in relation to flood risk introduced by the 2019 and 2021 NPPF, now 2023 NPPF and this is discussed further in this report.

New London Plan

- 14 At the time of the Representation Hearing, the New London Plan was intended to Publish (ItP) form and had been sent to the Secretary of State (SoS) alongside a schedule of the Panel Inspector's post-EiP recommendations, and the Mayor's response to them. On 13 March 2020, the SoS issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) in response to the Mayor's ItP London Plan and, to the extent that they were relevant to this particular application, they were taken into account by the Mayor as a material consideration when considering the Representation Hearing Report and the officer's recommendation in October 2020.
- 15 On 10 December 2020, the SoS issued a series of Updated Changes and two further Directions following the Representation Hearing into this case. In terms of the two further Directions under Section 337 of the Greater London Authority Act 1999 (as amended), Direction DR4 (specifically regarding updated para 6.4.8 under Policy E4 (Land for Industry)) is not considered to be specifically relevant to this particular application; however, Direction DR12 concerns Policy D9 (Tall Buildings) and is considered and discussed further below.
- 16 On 21 December 2020, the Mayor submitted to the SoS his Publication London Plan with amendments designed to address all Directions.
- 17 On 29 January 2021, the SoS confirmed that he had no further matters to raise and that the Publication London Plan (December 2020) conformed with the previous Directions and could now be published.
- 18 On 2 March 2021, the new London Plan was published (2021 London Plan). Accordingly, the Plan now has full statutory weight requiring an update to the assessment originally undertaken as the previous London Plan (2016) has been superseded.

Changes made through SoS Direction

- 19 SoS Direction DR12 regarding Policy D9 (Tall Buildings) primarily sought to ensure that tall buildings are only brought forward in appropriate and clearly defined areas, as determined by boroughs. Intend to Publish London Plan Policy D9(B3), which was considered at the October 2020 Representation Hearing, already stated that "Tall buildings should only be developed in locations that are identified in Development Plans", however, the SoS considered that the policy should go further and following his Direction, London Plan Policy D9(B3) now states that "Tall buildings should only be developed in locations that are identified as suitable in Development Plans". (the new words inserted as a result of the SoS's Direction are underlined and in italic). Policy D9 also identifies that boroughs should define what is considered a tall building for specific localities, which should not be less than 6 storeys or 18 metres; identify appropriate heights on maps in development plans.

Supporting paragraph 3.9.3 states that “in large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context”.

- 20 The Representation Hearing Report sets out at paragraphs 193–211 the policies for tall buildings. Considering the amended wording of Policy D9 following the SoS Direction and subsequent adoption of the London Plan, it is noted that the adopted local plan does not follow the prescriptive approach required by policy D9 – i.e. it does not identify areas as suitable for tall buildings. Richmond Council’s Local Plan Policy LP 2 states that proposals for Tall or Taller Buildings require full design justification based on a comprehensive townscape appraisal and visual assessments. Following a thorough assessment of the proposal’s impact it was concluded within the Representation Hearing report that the proposal would accord with the criteria of Local Plan Policy LP 2.
- 21 In view of the Local Plan policy, which has not been drafted in the context of the 2021 London Plan, GLA officers consider that the application does not comply with Part B of Policy D9 as there are not areas designated “as suitable” for tall buildings within the Local Plan. Whilst the Regulation 19 Draft Local Plan seeks to designate areas for tall buildings, Policy 45 and the evidence base which underpins it (Urban Design Study 2023) are subject to unresolved objections (including issues of non-conformity with the London Plan and NPPF) and have not been subject to examination in public, therefore both carry limited weight in the consideration of this application.
- 22 Part C of Policy D9 and the visual, functional, environmental, and cumulative impacts of the proposal have been impact assessed, as confirmed within paragraph 211, 219 – 221, and 301 of the Representation Hearing report. Nothing detailed within this update report changes the assessment carried out under part C of Policy D9 within the Representation Hearing report. The proposal would not harm views (criteria C1a), its location adjacent to the station and the proposed layout would aid in legibility and wayfinding (criteria C1b), would incorporate high quality architecture and materials (criteria C1c), avoid harm to heritage assets where possible and provide clear benefits to outweigh any harm (criteria C1d), would not harm any world heritage sites (criteria C1e), would not cause adverse glare (criteria C1g), and would be designed to minimise light pollution (criteria C1h).
- 23 In terms of functional impacts, internal and external design has been well-considered (criteria C2a), servicing arrangements are acceptable with appropriate mitigation (criteria C2b), the movement network and entrance capacity are well-considered (criteria C2c), the local transport capacity is sufficient (criteria C2d), and the scheme would not interfere with communications or renewable energy generation (criteria C2g). Environmental impacts are also acceptable (criteria C3) and cumulative impacts (criteria C4) have been appropriately considered. The absence of public access to upper floors (part D) is acceptable given the sites location and the extensive public realm and open space proposed. As such the application is in accordance with part C of Policy D9.
- 24 The position therefore is that the proposal does not conform with Policy D9 Part B as the envisaged process within the Local Plan for determining locations appropriate for tall buildings has not occurred. That said, the proposal accords with other aspects of Policy D9 and, as explained in the Representation Hearing Report

generally accords with the relevant policies of Richmond's Local Plan (LP1, LP2, LP8, LP16, LP 34, LP35, LP 36 and LP 37 among others). The proposed tall building is considered to be acceptable when the scheme is assessed against the development plan as a whole.

Changes to London Plan Guidance

25 The following supplementary planning guidance (SPG), strategies and other documents were revoked upon publication of the 2021 London Plan and are no longer relevant:

- Culture and Night-Time Economy (November 2017)
- Central Activities Zone (March 2016)
- Sustainable Design and Construction SPG (April 2014)
- Land for Industry and Transport SPG (September 2012)

26 The following relevant London Plan Guidance has been adopted following the Representation Hearing:

- Public London Charter (October 2021)
- Be Seen' Energy Monitoring Guidance (October 2021)
- Circular Economy Statement Guidance (March 2022)
- Whole Life-Cycle Carbon Assessments (March 2022)
- Housing Design Standards LPG (2023)
- Circular Economy Statements LPG (2023)
- Whole Life Carbon LPG (2023)
- Urban Greening Factor LPG (February 2023)
- Characterisation and Growth Strategies (February 2022)
- Optimising Site Capacity: A Design-led Approach (February 2022)
- Sustainable Transport, Walking and Cycling (September 2021)
- Air Quality Positive (November 2023)
- Air Quality Neutral (November 2023)

27 The following relevant draft London Plan Guidance was published for consultation following the Representation Hearing:

- Fire Safety LPG (2022)
- Affordable Housing LPG (2023)
- Development Viability LPG (2023)

28 The changes to London Plan Guidance are not considered to alter the recommendation outlined in the Representation Hearing Report; however, changes to planning conditions and Section 106 obligations have been secured in response to this guidance, as discussed below.

Richmond Council Policy

29 The Council's adopted Local Plan has not changed since the original resolution was made. The Council are however in the process of preparing a new Local Plan and have consulted on a publication draft (Regulation 19) which is a material

consideration. The weight that can be placed on the emerging plan is limited due to the early stage of process that it is at and the fact that it is subject to consultation and has not been considered at an examination in public. The new Local Plan includes a new site allocation, Site Allocation 29, for the Homebase site.

- 30 This allocation supports comprehensive, residential-led redevelopment of the site with a flexible range of other uses including retail, office, and community/social. This will include the provision of high-quality public realm, improvements to permeability and the Manor Road street frontage, to integrate the development into the surrounding area. An Urban Design Study published in December 2021 forms part of the evidence base for the new Local Plan and includes a height study for the wider North Seen, Lower Richmond Road area. This study identifies the area as a tall- and mid-rise building zone, acknowledges the Mayor's grant of permission for buildings up to 11 storeys on the Homebase site, and indicates that heights up to eight storeys could be appropriate should the site come forward again in the future.
- 31 Whilst the Regulation 19 version has been published, it is still in early stages of preparation and is yet to be subject to examination, is subject to significant unresolved objections to relevant policies, including objections in relation to the degree of consistency with the NPPF and London Plan. Therefore, in accordance with the considerations set out in paragraph 48 of the NPPF, it is Officers' view that the weight to be applied to the policies of the emerging plan is limited.
- 32 The Council has published the following relevant new local Supplementary Planning Documents/Guidance since the Representation Hearing:
- Strategic Flood Risk Assessment (2021)
 - Refuse and Recycling: Storage and Access Requirements for New Developments SPD (2022)

Affordable housing

- 33 Paragraph 139 of the Representation Hearing Report states that the proposal is considered eligible for the Fast Track Route owing to the fact that the tenure split of the first 35 percent of the affordable housing offer comprised 60:40 London Affordable Rent to intermediate housing products. In that report the scheme was considered to comply with London Plan Policy 3.11 and the additional units were considered to satisfy Intend to Publish London Plan Policy H6(B).
- 34 London Plan H6 instructs that affordable housing provisions should be split along the following tenure lines: minimum of 30 percent low-cost rented homes, a minimum of 30 percent intermediate products, and the remaining 40 percent to be determined by the borough as low-cost or intermediate. Paragraph B of that policy establishes that to follow the Fast Track Route 35 percent of homes must meet those tenure mix requirements. The tenure of any affordable homes provided in exceedance of the 35 percent is flexible (provided that the homes are genuinely affordable) and should consider the need to maximise the affordable housing provision along with any preference of applicants to propose a particular tenure.
- 35 In response, amendments were made to the affordable housing tenure split to increase the proportion of London Affordable Rent (LAR) units within the affordable

housing provision. In addition, whilst further amendments to the scheme were made in September 2023 there is no change to the total amount or unit mix of the affordable homes proposed. Consequently, in total, 18 units (43 habitable rooms) in Block C were identified to be switched from London Living Rent (LLR) to LAR. The size mix of the 18 units is demonstrated below in Table 1.

Unit size	Previous tenure	Proposed tenure	Number of units
1B2P	LLR	LAR	11
2B3P	LLR	LAR	5
2B4P	LLR	LAR	2
Total			18

Table 1 - Proposed changes to the unit size mix within the affordable housing provision

36 The proposed change would result in 69.9 percent family sized homes within the LAR tenure of the base scheme. Updated accommodation and area schedules were provided. The revised tenure mix is shown in Table 2 below.

Tenure	Originally proposed		Currently proposed	
	Units	Habitable rooms	Units	Habitable rooms
London Affordable Rent	85	250	103	293
London Living Rent	54	126	36	83
Shared Ownership	34	101	34	101
Total	173	477	173	477

Table 2 - Changes to the affordable housing tenure mix

37 The revised tenure split would still provide 40 percent affordable housing by habitable room overall; however, the tenure split for the first 35 percent would now be 70:30 LAR to intermediate products, with the residual being met through shared ownership homes. This would comply with London Plan Policy H6 requirements.

38 The revised affordable housing offer is provided unconditionally which is secured via the s106. In addition, the s106 allows for further improvements to the affordable housing tenure split should Council grant funding become available in the future. 22 units have been identified as having the potential to benefit from Council grant funding should it become available. This provision includes 11 private sale units within Block A which could be converted to LAR or Shared Ownership and 11 LLR units in Block C, which could be converted to LAR. Ten units within this provision are family sized. This is reflected in Table 3 below.

39 Unit size	Block	Previous tenure	Proposed tenure	Number of units
2B4P	A	Private	LAR or SO	7
2B3P	C	LLR	LAR	2
2B4P	C	LLR	LAR	1
Total				10

Table 3 - Family sized units identified as potential beneficiaries of Council Grant Funding

40 It is also important to note that the London Borough of Richmond upon Thames' affordable housing position has worsened since the time of the Representation

Hearing. The Council's most recent Annual Monitoring report states that just 12.2% of new home completions in the borough over the past five years (2021/22) have been affordable. This equates to 184 homes over the five year period and just 37 homes per year. The application includes 40% affordable housing and would therefore deliver 173 affordable homes – almost as much as the total amount of affordable housing delivered in the borough over the past five years. It is GLA Officers' view that this carries considerable and demonstrable weight in the consideration of this scheme.

Fire Safety

- 41 In light of the publication of the draft Fire Safety London Plan Guidance a Revised Fire Safety Statement (August 2023) has been submitted.
- 42 All blocks have now incorporated a second staircases by improving the efficiency of the core and minor increases in the building envelope. The second staircases will be fitted with their own dry riser and ventilation shaft, thereby being completely isolated from the first staircase in terms of a means of escape. The revised Fire Safety Statement also highlights compliance with the aspirations of the proposed changes to Approved Document B and the Government's Long-term Plan for Housing.
- 43 In addition, some changes to the ground floor layouts involving revised door locations, introduction of corridors to allow for enhanced means of escape and the conversion of some residential lobby areas to external undercroft spaces have taken place which has resulted in a small reduction of residential floorspace. The proposal has been subject to consultation with HSE through their pre-planning advice service. HSE noted that concerns would be raised in relation to the connection of single stair cores to ancillary areas (bin and bike stores and plant areas) which has been addressed.
- 44 Since the HSE's feedback, the Government announced its Long-term Plan for Housing and the intention to mandate second staircases in all buildings over 18 metres. In order to ensure that the current scheme delivers the highest standard of fire safety, the applicant has chosen to amend the scheme to incorporate two stairs on all buildings. In summary, GLA officers consider that the proposal complies with Policies D5 and D12.

Residential Quality

- 45 As highlighted above, the introduction of second staircases has been achieved through improving efficiency of the core, reductions in square meterage of some of the residential units and/or a minor increase in the building envelope of the building.
- 46 The alterations have included changes to internal layout of the residential units; a revised access arrangements for a ground floor unit in Core AC to allow for direct access from the Manor Road frontage, insertion of additional doors to isolate fire exit routes and alterations to layout to provide external access to amenities (bike and bin stores) In addition external undercrofts have been introduced to replace internal residential lobbies and additional corridors introduced to accord with fire safety requirements relating to means of escape.

- 47 Internal space standards have been accommodated through improving efficiencies in the plan layouts and through small enlargements in the building footprint resulting in an overall increase of 280 sqm. Whilst the overall residential gross internal area has increased across the development relative to the revised July 2020 proposal, there have been small reductions in the square meterage of some of residential units. The reductions are generally less than 2 sqm for each affected flat and all of the proposed residential units continue to comply with the minimum space standards for their type as set out in Policy D6 of the London Plan.
- 48 The residential units have also been reviewed against the standards set out in the Housing Design Standards LPG to ensure that all of the living, kitchen dining areas and bedrooms meet the standards.
- 49 GLA officers consider that the proposed increases to the building footprints do not result in any significant impacts upon the quality of the proposed residential units. Whilst the distances between blocks would be reduced (up to 50cm at the most (between Core D of Block A and Core B of Block B)), GLA officers consider that the changes would not be perceptible in the overall context of the massing and do not have any material impacts on the siting or relationship of blocks with one another.
- 50 The largest increase in footprint to Block A is 40cm on the internal southern elevation of Block A. Due to the increase along an internal elevation, and the oblique angle of this façade relative to other windows, any significant impacts in terms of light, privacy and outlook are minimised and there will be adequate distances between facing flanks and a good level of privacy are maintained.
- 51 The position of the roof terraces has been reviewed to ensure appropriate access and wind microclimate conditions to the communal external amenity areas. This has been balanced against competing demands for the roof space in terms of plant space and green roof cover. The current proposal provides access doors on to the roof terraces of Blocks A, C and D and doors have been introduced in lieu of former floor to ceiling height glazing, thereby representing minimal visual impact.
- 52 The Wind Microclimate Assessment (2020) found that the seating areas of the roof terraces of Blocks A, C and B would have little shelter from the prevailing south-westerly wind. Therefore, in order to ensure appropriate wind conditions for users, the arrangement of the roof terraces of Blocks A and C, have been located northward. It has not been possible to maintain the provision of a communal roof terrace on Block B. Whilst the loss of the Block B roof terrace is a reduction in the communal amenity space available to residential users of the development, there is no minimum policy threshold set out within the LBRuT Local Plan or London Plan for the provision of communal amenity areas (with the exception of communal play space) in residential developments.
- 53 Nevertheless, all of the residential units continue to benefit from access to amenity space across the development. As such, the loss of the roof terrace is acceptable as there will be extensive, high quality, soft landscaped areas and communal play space at grade. In conclusion, the proposal complies with Policy D6 of the London Plan and the Housing Design Standards LPG.

Flood Risk

- 54 LBRuT published a Strategic Flood Risk Assessment (the 'SRFA') in March 2021. The SFRA recommends additional requirements for applications to consider including the 1 in 100-year surface water extent Flood Zone 3a (surface water) and flood sequential testing.
- 55 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development from areas at highest risk. It requires a sequential, risk based approach to the location of development, taking into account all sources of flood and the impacts of climate change.
- 56 The NPPF for flood risk and coastal change was updated in 2022 to adhere to the latest policy position on flood risk introduced in the 2019 NPPF and carried through in the 2021 and 2023 revisions.
- 57 As a result of the policy changes, there is a greater policy impetus to ensure the development will not cause an increase in flood risk off-site. Whilst this used to be criteria for flooding as a result of fluvial sources, the latest guidance has now expanded this to all forms of flooding, including surface water sources.
- 58 A Sequential Test accompanies the planning application and identifies a range of potential sites, informed by a review of the LBRuT Local Plan, Monitoring Report and Five-Year Housing Land Supply. The study identifies four comparable sites based on similar size (approximately 2ha) and allocation for predominantly residential development: Kneller Hall, Friars Lane Car Pak, Sainsburys Lower Richmond Road and Sainsburys Hampton and GLA officers are content that the Sequential Test is robust and shortlisted sites are not suitable alternatives to accommodate the proposed development, including affordable housing.
- 59 The NPPG Flood Risk Vulnerability and Flood Zone Compatibility matrix (Table 3 of the NPPG) confirms that all forms of development are appropriate in Flood Zone 1 without application of the Exception Test. Therefore, an Exception Test is not required.
- 60 The Updated FRA (2023) provides a detailed assessment of the potential surface water flood risk and identifies the site as Flood Zone 3a for surface water flooding. The Flood Warning and Evacuation Plan outlines includes mitigation measures within the site to ensure that the site users are safe from flooding in accordance with the requirements of Policy SI 12 of the London Plan. This includes the provision of safe refuge areas for all of the blocks.
- 61 The latest Environment Agency mapping shows the development contains a surface water route, with flows entering the site in the south-west corner and flowing north through the site and beyond. The application is accompanied by a Hydrological and Hydraulic Modelling Assessment of the existing (baseline) scenario and existing site levels, compared to the high level EA mapping. The results of the baseline assessment (which represents a worst-case scenario (where all existing drainage is blocked), shows similar extents to the existing EA Surface Water Flood Risk Mapping and confirms the flow route through the site.

- 62 Following the baseline modelling exercise, the post-development scenario has also been modelled to ensure that the existing flow route through the site is maintained and that there is no detrimental impact upon third party land. To appropriately manage the flow path through the site, levels across the site have been reviewed and lowered within the landscape to create a preferential flow route for any overland flows which may occur. The levels have been lowered to allow for more onsite storage, particularly in the main courtyard area in the centre of the Site and limit any increase in flood depths offsite. The hydraulic modelling carried out does not account for any existing drainage features that may serve the site (hereon referred to as the 'baseline proposed modelling'), in line with standard modelling practice, and are therefore an overestimation to current levels of flood risk on site.
- 63 In addition to the baseline proposed modelling, modelling has been undertaken with the drainage features of the proposed scheme built-in. The modelling demonstrates that with the drainage of the proposed development (not accounting for the existing wider area network managed by Thames Water), the proposals would result in a reduction of flood levels to the railway land to the north by over 200mm and therefore confirms that the development does not lead to increased flood risk elsewhere. The modelling demonstrates compliance with the requirements of the LBRuT SRFA and the NPPG, without any significant changes to the scheme.
- 64 The application is accompanied by a Drainage Strategy to ensure compliance with Policy SI 13 of the London Plan. In addition, a Basement Screening and Impact Assessment has been submitted which concludes that the proposed basement, due to its small scale (202 sqm), isolated nature and site conditions, would not have any adverse impacts and GLA officers concur with this conclusion. No objections were received from either the rail operators or from the GLA's internal flooding specialist.
- 65 For the reasons outlined above the proposals complies with the NPPG, Policy SI13 of the London Plan and LBRuT published a Strategic Flood Risk Assessment (the 'SRFA') in March 2021 in relation to flooding and drainage.

Inclusive design

- 66 Paragraph 263 of the Representation Hearing Report states that 90% of the residential units would be designed to meet Building Regulation requirement M4(2), with the remaining 10% designed to meet Building Regulation M4(3). This provision accords with the proportions set out in London Plan Policy D7. Following the Representation Hearing, the tenure distribution of the M4(3) homes was the subject of discussions with the Registered Provider, who specifically requested the provision of M4(3) homes within the LAR tenure. Consequently, the 17 M4(3) homes within the affordable tenure would be LAR. These units are of distributed across the scheme, are of different sizes, and are on different floor levels, per London Plan Paragraph 3.7.3.

Site boundary

- 67 The applicant submitted a realignment of the application site boundary to better reflect existing ownership (title) plans (insert date). This resulted in a reduction of 768.7 sq.m. in the overall site area. The amendments are shown below in Figure 1;

the previous site boundary is shown in blue, and the revised site boundary is shown in red.



Figure 1- Site boundary changes

68 Consequently, amendments were made to the ground level layout and landscaping plans, which include relocation of the proposed car club spaces and bin holding area. As shown in Figure 2 below, the car club spaces are now proposed adjacent to the concierge at the base of Block B. The spaces would remain accessible to building and local residents alike.

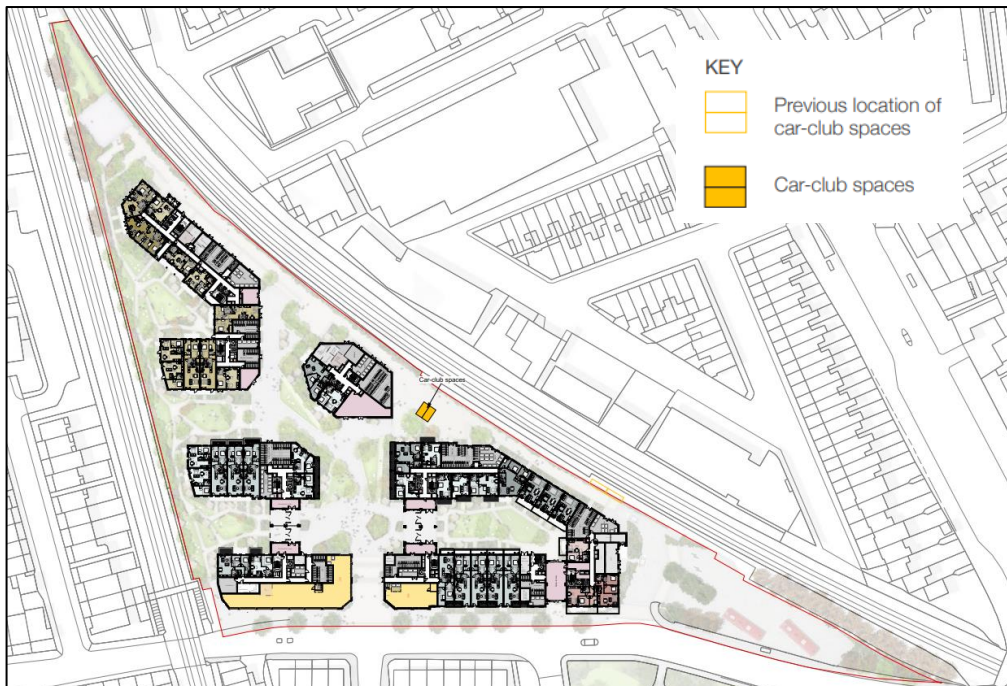


Figure 2 - Ground level plan showing relocated car club spaces

69 As shown in Figure 3 below, the refuse area remains accessed via the service road which runs along the western edge of the site. As a result, the stores would remain easily accessible for refuse vehicles. The revised site boundary has also resulted in changes to the parking layout. In addition, the proposal relocates two accessible parking bays to the western corner of the site adjacent to Block C. Changes to the parking arrangements and refuse area would result in some small reduction in landscaping within the site, however, this does not alter officers' previous conclusions that the proposal represents a high-quality public realm, would provide attractive spaces for future residents and the refuse and parking arrangements would function as intended. In any event and, as discussed further below, details in relation to landscaping will be secured by condition.

70 As shown in Figure 3 below, the refuse area remains accessed via the service road which runs along the western edge of the site. As a result, the stores would remain easily accessible for refuse vehicles. The revised site boundary has also resulted in changes to the parking layout. In addition, the proposal relocates two accessible parking bays to the western corner of the site adjacent to Block C. Changes to the parking arrangements and refuse area would result in some small reduction in landscaping within the site, however, this does not alter officers' previous conclusions that the proposal represents a high-quality public realm, would provide attractive spaces for future residents and the refuse and parking arrangements would function as intended. In any event and, as discussed further below, details in relation to landscaping will be secured by condition.



Figure 3 - Ground level plan showing the relocated refuse areas

Carbon offset

71 Paragraph 311 of the Representation Hearing Report states that in accordance with London Plan Policy 5.2 a contribution towards Richmond's carbon offset fund is required to meet the zero-carbon target for the residential element of the scheme.

Consequently, a contribution of £422,885 index-linked to offset the shortfall of the residential component of the development was to be secured within the S106.

- 72 In that same paragraph it was advised that should the Intend to Publish London Plan be adopted prior to a decision on this application, the offset payment required would increase to reflect changes to the carbon offset charge for the residential units along with the inclusion of commercial floorspace within policy.
- 73 An updated suite of energy and sustainability documents have been submitted including a Energy Strategy (2023), Sustainability Statement (2023), Whole Life Carbon Assessment (2023) and Circular Economy Statement (2023).
- 74 The revised Energy Strategy for the site targets demand reduction measures first, giving priority to optimisation of building fabric to reduce the need for heating, cooling and artificial lighting. The MEP systems and sustainability features have been optimised to minimise energy demand whilst envelope insulation is proposed to ensure heating demand is minimise and solar coating on windows will reduce the need for cooling. Consequently, the baseline carbon dioxide emissions have been reduced from 650 to 110.6 tonnes CO₂ per annum and following the introduction of be lean, be clean and be green measures, cumulative on-site savings have been increased from 45.8% to 69%. The on-site savings therefore exceed the minimum requirement set out in Policy 4 the Draft Local Plan which requires major residential development to deliver net-zero with minimum 60% on-site reduction.
- 75 Based on the improved energy strategy for the site, the carbon emissions have fallen and subsequently, the carbon offset contribution has been reduced to £315,331 to achieve net-zero. This has been secured in the S106 agreement (index-linked).
- 76 The revised Sustainability Statement details the sustainability aspects of the proposal and demonstrates compliance with the site wide strategies for sustainability through meeting enhanced requirements in the latest planning policy and guidance. The adopted strategy demonstrates that the design will holistically incorporate sustainability principles in relation to climate change, energy, water efficiency, flood risk and SUDs, construction, pollution, landscaping, biodiversity, waste and recycling.
- 77 The Whole Life Cycle Carbon Assessment and Circular Economy Statement are submitted as per the London Plan (2021) and LPGs and demonstrate the compliance with adopted policy and guidance, including achieving carbon emissions below the GLA aspirational residential benchmark and diverting 95% of construction waste from landfill.
- 78 Given the reduction in carbon emissions as per the updated energy strategy a reduced carbon offset contribution of £315,331 is appropriate and has now been secured in the S106 to offset the carbon shortfall for the commercial and residential elements of the scheme, ensuring compliance with GLA Energy Planning Guidance and Carbon Emissions Reporting Spreadsheet (2022).

Ecology, Urban Green Factor (UGF) and Biodiversity Net Gain

- 79 The most recent Phase 1 survey was completed in January 2019. Given the age of the data, The Chartered Institute of Ecology and Environmental Management notes that best practice would be to provide an update. For this reason, a condition has been secured to update the baseline ecological information to both update the biodiversity net gain calculation and inform proposed enhancement measures.
- 80 Policy G1 and G5 of the London Plan seeks green infrastructure to be incorporated within the development recognising urban greening as a fundamental element of a site and building design. The current landscape proposals for the site have been revisited (predominantly as a result of the flood modelling and increases in building envelopes to include second staircases). This has enabled the scheme to address matters relating to greening enhancements. Officers consider that the quality of the landscape proposals, site permeability and play space quantum are maintained from the previous scheme. The proposal now achieves an UGF of 0.36 and noting that there is little or no opportunity for greening to the bus layover and Manor Road footway as a result of the operational requirements, the proposed urban greening is acceptable in compliance with the UGF Guidance and Policy G5. The UGF score would be secured by condition.
- 81 The application is accompanied by a Biodiversity Net Gain report. The report highlights that whilst the trading rules within the Defra Biodiversity Metric 3.1 are not satisfied due to the loss of 0.40 habitat units from removal of mixed scrub that is not due to be replaced with the same broad habitat type or a higher distinctiveness habitat. However, considering the significant overall net gain achieved within the site in addition to scrub habitat being relatively common and widespread, the proposals are considered to be of greater benefit to biodiversity than retaining the relatively small (0.1 ha) area of mixed scrub habitat which has calculated that the post-development biodiversity value of the site was calculated at 18.31 habitat units, demonstrating a +279.94% net gain in biodiversity value from the proposed development. In summary GLA officers consider that the proposal complies with LP15 of the Richmond plan and Policy G6 of the London Plan.

Air quality

- 82 A revised Air Quality Assessment (February) has been submitted with the revised scheme to consider the latest policy and guidance, the impact of the development and the impacts of its construction and operation. It concludes that with the implementation of dust mitigation measures, the residual significance of potential air quality impacts during construction is not significant. Additionally, the development would be air quality neutral for its operational stage. There have been no material changes to the adopted/published development plan or in circumstances to warrant a contribution towards air quality improvements, noting that these were not considered to be required by the Mayor at the time of the Representation Hearing.

Urban Design and Heritage

- 83 The Regulation 19 Richmond Local Plan seeks to clarify and strengthen design policies. In doing so an Urban Design Study has been prepared to understand the character of different areas within the borough and develop design responses for new developments accordingly. However, the evidence base is subject to

unresolved objections and has not been subject to examination in public. Accordingly, limited weight can be applied to it and the policies which it underpins – i.e. the relevant policies in this case are policy 45 and site allocation 29.

- 84 Notwithstanding the above, the NPPF, London Plan and National Design Study are all relevant considerations. All have been revised since the Representation Hearing and solidify a strong policy impetus to ensure good design.
- 85 It is GLA Officers' view that the development proposals represent a high quality design that would respond to the local context and optimise an underutilised brownfield site. This position is justified in paragraphs 162 to 211 of the Representation Hearing Report.
- 86 In terms of building heights the proposed building heights of the current proposal do not vary considerably from that considered acceptable by the Mayor in October 2020. In particular, whilst the level access from Manor Road and to all block entrances has been maintained, the site levels have been amended to manage the surface water flow path through the site as described above. Floor to ceiling heights across the development have been slightly reduced (circa 7.5cm per floor), resulting in the overall maximum parapet heights of the buildings being either maintained or reduced.
- 87 Turning to the building footprints there have been some modest changes as follows:
- Block A, Core A: a 450mm (or 45cm) increase to the south;
 - Block A, Core AD: a 225mm (or 22.5cm) increase to the south;
 - Block B: a 112.5mm (or 11.25cm) extension in footprint to the south and a 112.5mm (or 11.25cm) extension to the north;
 - Block C, Core A: a 225mm (or 22.5cm) increase to the north and north-east and a 112.5mm (or 11.25cm) increase to the east;
 - Block C, Core C: an infill of the recessed part of the façade to the south-east;
 - Block D, Core B: a 225mm (or 22.5cm) increase to the north and north-west.
- 88 The changes described above are accommodated in the central landscaped areas of the site, there are no significant changes to the overall scale and massing of the scheme and there are no reductions in the distances to the neighbouring properties. GLA officers also note that the subsequent minor changes to the elevational appearance are also generally maintained from the previous iteration.
- 89 In terms of townscape and visual assessment, taking into account the minor changes to the maximum heights of buildings, the relatively modest enlargements of building footprints and distances from the site boundary as described above, GLA officers conclude that changes are not materially different to that considered at the Hearing.
- 90 The height beyond the guidance set out in site allocation 29 of the draft local plan and Urban Design Study is considered acceptable in this instance based on the thorough assessment undertaken by the Applicant and the reasons set out in

paragraphs 197 to 211 of the Representation Hearing Report. The Applicant has submitted a TVIA and TVIA Addendums which undertake site-specific analysis of the proposed heights and provide robust justification for the heights proposed.

- 91 The TVIA Addendum (September 2023) assesses short and medium range views, including the roof plant. Whilst longer range views are not modelled, it is considered that the roof plant would be imperceptible in these views, noting the limited visibility in the medium range views.
- 92 Concluding on this issue, GLA officers consider that, notwithstanding the minor changes relative to the scheme since the Representation Hearing Report, the conclusions of the Representation Hearing remain unchanged and the design changes are acceptable. In the context of strengthened policy context that seeks to ensure the delivery of well-designed places, the proposed development would deliver a high quality and sustainable development, consistent with the development plan policies and the NPPF.

Residential Amenity

- 93 The recent amendments to the scheme comprise minor changes to height, footprint and elevational treatments compared to the scheme considered at the Representation Hearing. Marginal enlargements to the building footprints have been incorporated to elevations facing into the site and therefore the relationship and distance with neighbouring sites remains unaffected. As such, the proposals will not have any material additional impacts upon neighbouring amenity beyond that considered acceptable in paragraph 291 of the Representation Hearing Report.

Changes to planning conditions and Section 106 obligations

- 94 Following the publication of the new London Plan (March 2021) the previously referred to draft policies now form part of the development plan and as such attract full weight as part of the statutory development plan. Where required by new policy, additional planning conditions (Annex 1 – Draft Decision Notices) and section 106 obligations (Annex 2 – Draft Section 106 agreement) have been secured.
- 95 The S106 obligations will ensure that the principles of public access to the public spaces will be secured, in line with the draft Public London Charter and Policy D8 (part H). Policy D8 (part O) requires the provision and future management of free drinking water at appropriate locations in new or redeveloped public realm. A condition secures the provision and future management of free drinking water in the public realm.
- 96 Policy D12 (part B) requires submissions of a Fire Statement produced by a third party, suitably qualified assessor. As highlighted above a revised statement has been submitted and demonstrates compliance with Policies D5 and D12.
- 97 Policy SI2 requires major development proposals to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy; verify and report on energy performance; and calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment; and demonstrate actions taken to reduce life-cycle carbon emissions. The zero-carbon target has been secured through carbon offset

contributions as part of the Section 106 agreement and a clause is provided which requires 'Be Seen' energy performance indicators to be submitted to the GLA's Energy Monitoring Portal within 10 weeks of approval. Additionally, an updated Whole Life Cycle Carbon Assessment was submitted and a condition for the submission of post-construction details in line with the Whole Lifecycle Carbon Assessment Guidance has been secured. As such, the proposals meet the requirements of Policy SI2 of the London Plan.

98 Policy SI6 of the 2021 London Plan requires several measures to ensure London's global competitiveness, including the provision of sufficient ducting space for full fibre connectivity infrastructure and providing for mobile connectivity. The applicant has submitted a Digital Connectivity Note and a condition has been applied requiring detailed plans to be submitted and approved by the local planning authority prior to commencement demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure.

99 Policy SI7 of the 2021 London Plan requires a Circular Economy Statement to be submitted. As referenced above an updated statement has been submitted, and conditions have been applied requiring a detailed Circular Economy Statement and Waste Management Strategy. This is also acceptable for the revised scheme resulting from minor changes to the site boundary.

100 In addition, as stated above, the tenure mix of affordable housing has also changed and this is now reflected in the revised s106 drafting.

Changes to site circumstances and surrounding area

101 The June 2022 update report detailed changes to the local bus network that were implemented in December 2020, following the Representation Hearing. The result of these changes was that the Public Transport Access Level (PTAL) of the site was reduced from 5 to 4, on a scale of 0-6b, where 6b is highest. The June 2022 update also made reference to planned South West Rail timetable changes from North Sheen that were anticipated to come into effect from December 2022. This would reduce service from 4 to 2 per hour off-peak, with no changes to peak hour services. These changes have since been implemented however there is no further change to the PTAL since this is calculated on AM peak hour public transport services. Therefore, the conclusions drawn in the June 2022 update remain valid.

102 Policy T4 of the 2021 London Plan requires a Transport Assessment (TA) to support planning applications and assess their impact on the transport network. Where appropriate, mitigation should be secured where adverse transport impacts are identified. Since 2019, when the TA was published, it is acknowledged that some travel patterns in London have changed due to the impact of the pandemic and technology. Traffic modelling completed for the planning submission assumed an increase in background traffic growth of up to 5% between 2018 and 2023, and 9% between 2018 and 2028. Since then, TfL's approach to the application of background growth in transport assessments has been updated, based on published data from TfL models which provide London-specific forecasts. TfL have reviewed this data for the surrounding area and conclude that forecasts predict a 0% rise in traffic growth until 2041. This is also supported by recent DfT traffic counts for local routes. Therefore, the traffic growth assumptions reported in the

2019 TA represent a worst-case scenario and conclusions based on this baseline remain valid.

- 103 The development proposal remains car free, except for disabled persons car parking. Therefore, the predicted vehicle mode share and trip generation of the development remains low. Yet it must be noted that all of the surveyed sites which were used to forecast the trip generation now fall out of the recommended 5 years validity. To provide assurance that forecast mode share targets will be met a 'monitor and manage' mechanism with associated funding will be secured within the S106 agreement and linked to the Travel Plan. This funding will be secured within the S106 as a Sustainable Transport Implementation Fund of £350,000. The fund will be held by the Council who will, based on the site's travel data, spend on appropriate sustainable transport initiatives, should the development mode share targets not be met.
- 104 In 2022 the Mayor refreshed his Violence Against Women and Girls Strategy. In line with this, the applicant has confirmed those occupants of the commercial areas operating after 6pm will sign up to the Women's Night Safety Charter. The Sustainable Transport Implementation Fund can also be used by the council if issues are identified that suggest travel by women and girls on any element of the development is being hindered by safety concerns.
- 105 As with travel patterns, trends in servicing and deliveries have changed due to the pandemic, new technology and the rise of gig economies, particularly for residential development. To acknowledge this, the Delivery and Servicing Management Plan will be secured within the S106 agreement, and will include monitoring and management initiatives linked with the Sustainable Transport Implementation Fund. This will ensure that the delivery and servicing activity will be as predicted in the TA and remain valid.
- 106 In August 2023 TfL commenced works at the A316 Manor Circus roundabout, which are expected to be completed in 2024. These works include urgent structural repairs, in addition to road safety improvements and public realm enhancements. Due to the timescales, it is no longer possible for the £380,000 transport contribution from this application to be secured towards these works. The local area will continue to benefit from these works, including this development and therefore conclusions drawn remain valid. The £380,000 previously secured toward A316 improvements will now be allocated towards access improvements at North Sheen station, in addition to those secured as mitigation. This additional amount is made in kind by the applicant to retain the total value of transport contributions and holds no weight in the planning balance.

Other material considerations

First Homes

- 107 On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. First Homes are a Discount Market Sale (DMS) housing product which meet the NPPF definition of affordable housing. To qualify as First Homes within London, homes should have a minimum 30 percent discount to market value secured in perpetuity through S106 agreement. On first sale, these homes must have a purchase price that does not exceed £420,000 after the discount has been

applied. First Homes are to be sold to first time buyers with an annual gross household income no greater than £90,000. A minimum of 50 percent of the purchase price must be met through obtaining a mortgage. The WMS states that a minimum of 25 percent of all affordable housing units secured through developer contributions should be First Homes.

108 First Homes is a national policy requirement, like others set out in the NPPF or introduced through Written Ministerial Statements. This means that the First Homes requirement is a material consideration for decision makers to consider alongside policies of the Development Plan and any other relevant material considerations. However, the WMS does not alter the position of the Development Plan as the starting point for decision-taking.

109 In relation to decision making, the national policy requirement for First Homes is subject to transitional arrangements as set out in the WMS and Planning Practice Guidance. The national policy requirements do not apply to sites with full or outline planning permission in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021. The First Homes national policy requirement does not apply to this application, given the transitional arrangements. A right to appeal against non-determination arose before 28 December 2021.

BRE Guidance

110 The BRE Guidance (Daylight, Sunlight, Solar Glare and Solar Panels) (2022) has been updated since the Representation Hearing however it is noted that the Guidelines do not introduce any changes to the assessment of daylight and sunlight impacts upon external receptors relevant to this application.

111 An Internal Daylight Report has been submitted which tests 120 habitable rooms across the development against the latest BRE Guidance (2022). It finds that 65% of tested rooms would meet or exceed the minimum CBDM target, with the majority of the affected rooms served by balconies and reduced views of the sky to those rooms that are overhung by balconies which GLA officers consider acceptable. In addition, and as stated above, whilst there are some increases to the building footprint the distances to the site boundaries remain the same. Finally, given the proposal does not include any large areas of glazing, solar dazzle and solar convergence are not considered to be an issue.

112 Concluding on this issue the findings within the Representation Hearing remain the same.

EIA Screening

113 An EIA Screening Opinion was issued by the GLA in August 2020. This determined the proposals do not constitute EIA development. The Screening Opinion that an EIA was not required was issued in respect of the proposed mixed-use development to provide 453 homes, flexible commercial floorspace, new public realm, associated landscaping and servicing arrangements. Since that time, there have been no changes to the description, and no material changes in the scale or nature of the development. Officers are satisfied that the Screening Opinion remains valid and does not need to be revisited.

Consultation update

114 Following the October 2021 revisions to the application further public consultation was held from 25 November to 16 December 2021. During this consultation period there was a postal error wherein some hard copy letters may have been returned to sender. As a result, a re-consultation took place from 20 January to 10 February 2022. This related to the applicant's further revisions to the scheme which included the following:

- Minor realignment of the application red line boundary to reflect the site ownership as shown on the revised application drawings. This results in a small decrease in the overall site area (768.7sqm) and the relocation of the proposed car club spaces and refuse holding area.
- Amendments to the affordable housing tenure split to provide an increase in London Affordable Rent (LAR) units within the affordable housing offer for the Application following the adoption of the London Plan 2021. This results in 18 additional LAR units (43 habitable rooms) with a corresponding decrease in intermediate affordable housing (London Living Rent). A revised Area and Accommodation schedule has been provided.
- The submission of a Revised Application Form, CIL form, Certificates, Design and Access Architectural Addendum, Landscaping Addendum, Construction Environmental Management Plan, Planning Statement, Digital Connectivity Note and Revised Waste Management Strategy Addendum to reflect the changes to the application site boundary and the requirements of the London Plan 2021.
- An updated Transport Assessment and Travel Plan to reflect changes to the local bus network since the Mayor considered the Application at the Representation Hearing on 1 October 2020 and changes to the application site boundary.

115 Since the Representation Hearing on 1 October 2020, six letters/emails were received from consultees in relation to the October 2021 revisions. These are summarised below:

- Ecology Policy and Planning, Richmond and Wandsworth Councils – No objection subject to conditions.
- Environment Agency – previous comments/conditions unchanged
- London Borough of Richmond upon Thames – continue to object to the scheme on the basis of design and height, wheelchair housing, affordable housing, residential standards and amenity, transport, waste, flooding, energy, and ecology. A copy of their letter is attached at Annex 3.
- London Underground/DLR Infrastructure Protection – no comment
- Natural England – no objection, previous comments unchanged
- Thames Water – No objection subject to conditions.
- Cadent Gas – No objections and an informative is included in the decision notice.

116 The majority of points raised by LB Richmond have been addressed above, however, in relation to wheelchair housing and flooding these are addressed below.

117 The proposal complies with London Plan Policy D7 with 10% of homes meeting Building Regulation requirement M4(3) for wheelchair user dwellings and 90% of homes meeting M4(2) requirements. This is secured by condition and was assessed within the Representation Hearing Report. Whilst concern is raised regarding the distribution of the M4(3) homes throughout the development, it is understood that this reflects the preferences of the registered provider who has requested the provision of M4(3) homes within the London Affordable Rent tenure. It is officers view that the proposal provides a good distribution of wheelchair accessible homes across both private and affordable tenures.

118 With reference to flooding, this was considered in detail within the Representation Hearing Report and the September 2023 amendments described above are considered by GLA Officers to address the Council's concerns.

119 The further amended scheme submitted on 28 September 2023, which included updated fire safety measures, flooding and associated drainage and site level changes, was also subject to public consultation from 5 October to 26 October and consultee responses are as follows:

- Historic England – no objection
- School Place Planning, Richmond Council – primary provision is likely to be helped by the proposal due to there being existing capacity. However for secondary provision if the proposed school at Livingstone School is not built and opened then Richmond Council's ability to provide enough state-funded secondary school places for families occupying the proposed Homebase units would be severely compromised - In terms of secondary provision, it is reasonable to consider that families with secondary age children who reside in the proposed development might prefer a child to attend a school close to their home. However, the Council's School Place Planning Strategy (2023) recognizes that the current system for applying for and securing school places means that families with children do not necessarily choose their nearest school, nor secure a first preference choice. For a number of reasons (private education choice, the number of children who moved home but stayed in their existing school, or because they would attend a school outside the borough) means it cannot therefore be assumed that all of the secondary age children who reside in the proposed development may not require places at the three local secondary schools.
- Thames Water – no objection with regards to foul water and request planning condition in relation to existing water network capacity and surface water drainage – suitable conditions are proposed.
- Natural England – no comment
- Active Travel England – no comment
- Environment Agency – previous comments/conditions unchanged

- London Underground Infrastructure Protection - no comments
- LBRuT – raises objection in relation to shortfalls and departures from Site Allocation 29; affordable housing, residential standards, accessibility, siting design and height, transport, residential amenity, flooding, biodiversity, energy, education, waste and play space provision. These matters have been discussed and addressed in the Main Hearing Report and this update report.
- NHS London Healthy Urban Development Unit – request for financial contribution towards health facilities and as a minimum would expect the original figure to be uplifted by the Building Cost Index to current prices and then indexed within the S106 agreement. The Applicant has undertaken a Health Impact Assessment as part of the recent set of amendments, which demonstrates that there is sufficient capacity to absorb the demand of the development whilst still falling below the HUDU benchmark. Accordingly, there is no need for a further update to the health contribution at this time as this would be over and above the impacts arising from the development. As with all financial contributions in the S106, the figure will be index linked.

Representation update

120As stated above, the GLA has undertaken two rounds of public consultation since the Representation Hearing on 1 October 2020. 615 letters/emails of objection and five letters/emails of support have been received in relation to the first round of consultations in 2021/ 22. The more recent public consultation in October 2023 resulted in 733 more representations and emails of objection (in addition to the 615 highlighted above) including representations from The Kew Society and Richmond Society and one email expressing support. In addition, 4 letters of objection were posted to City Hall. The representations have raised the following comments which have been considered by officers before giving a recommendation in this report:

Objection:

Transport

- Not enough EV charging facilities proposed
- Parking stress survey too limited
- Insufficient public transport capacity
- Insufficient parking
- Car-free design is unrealistic
- Would exacerbate existing problems with the level crossing
- Bike and pedestrian congestion, insufficient bike and pedestrian infrastructure
- Traffic congestion and pollution
- Insufficient design/capacity of North Sheen Station and the financial contribution offered is inadequate
- Inadequate cycle parking proposed
- Two car club spaces are inadequate
- Southwest trains are reducing the service from North Sheen Station which should be taken into account.

- Local bus services have been reduced
- Would exacerbate problems of rat-running off the A316
- Travel Plan is of little value
- Traffic congestion will impact on air quality and the health and safety of residents

Land use

- Insufficient local/social infrastructure and increased pressure on existing facilities
- Lack of retail and community uses
- Too much housing, too dense
- Not enough affordable housing
- Not enough family housing
- Don't want to lose the Homebase store
- Retail units may remain vacant
- Area is already built-up/overcrowded
- Too much retail
- Unsuitable location for housing between railways, road, and under flight path
- Not enough clarity over retail provision
- Do not need more rental housing
- Should be 100% Council housing
- Do not need more parks/green space with Kew and Richmond Parks so nearby

Design, neighbouring amenity, and heritage

- Inappropriate location for a tall building
- Too large
- Unattractive
- Loss of light/overshadowing to nearby properties.
- One resident raised concerns that the harm from overshadowing and loss of daylight to their home will exacerbate family members' disabilities. Their home is their 'safe zone' and sanctuary so any impact should be given greater weight
- Detrimental impact on neighbourhood character, skyline
- Harmful impact on heritage assets and interrupt views including from Kew Gardens
- May contribute to antisocial behaviour and light pollution
- Loss of privacy for adjoining streets
- Negative wind impact
- Not enough green space
- Views within the Townscape and Visual Impact Assessment are inadequate
- Quality life of future and nearby residents will be poor
- Following covid easy access to outside space and adequate space within the home is more important.
- Excessive heights of 11 storeys does not respect local setting

- Contrary to emerging Richmond Local Plan which stipulates maximum of 8 storeys

Sustainability and green infrastructure

- Environmental impact, carbon impact
- Not enough local outdoor space
- Construction Environmental Management Plan is too generic
- Flood zone concern
- Would cause too much noise to surrounding properties
- May displace existing trees around site boundary
- Suspicion of land contamination

Other

- Process lacking due diligence
- Planning process is undemocratic and difficult to understand
- The consultation should be fully reset due to changes in red line boundary
- Use of hazardous materials during construction
- Inconsistent decision and would set a precedent
- Developer's consultation process was disingenuous
- Increased risk of brain and head tumours from Network Rail communication mast
- Pollution during construction
- The area needs a local police station/hub
- Low water supply worsened through excessive demand

Support:

- Would deliver much needed affordable housing
- Would help younger people stay in the area
- Would help deliver a mixed community
- Good use of a brownfield site
- Car free development will be good for the area
- Provides places for lower income families

121 These matters were considered fully in the Representation Hearing Report and where things have changed since that report there has been further consultation/renotification undertaken as set out within this further updated report.

122 All those that requested to speak at the Representation Hearing; anyone who has asked for clarification on the next steps in the decision-making process; the Council; and the Applicant have all been notified of the process for determination of the application. All those notified have been provided with a link to this report which has been published on the GLA's website together with a copy of the proposed draft section 106 legal agreement and draft planning conditions 14 days in advance of any consideration of this matter.

123 Having considered the changes to the London Plan / guidance and to emerging policy in Richmond and national planning policy as set out within this report and having considered the responses from the further consultation/renotification carried

out and the changes to the scheme, officers considered that it is not necessary to hold a further Representation Hearing. The material planning issues were addressed in the Representations Hearing Report and at the Representation Hearing. This report explains what has changed and the extent to which those changes affect the planning assessment carried out previously. The Mayor should note that s.2F of the Town and Country Planning Act 1990 requires a Representation Hearing to be held before the Mayor determines a planning application as the Local Planning Authority. This mandatory obligation does not re-apply automatically when a re-consultation takes place (see R (Hillingdon LBC) v Mayor of London [2021] EWHC 3387 (Admin) at para 119). Rather, the question is whether the requirements of fairness necessitate the holding of a further hearing. In the circumstances of this case, it is considered that key stakeholders have been consulted on the changes and that consideration of this report alongside the consultation responses received (which are discussed in this report) would satisfy the requirements of fairness. Officers therefore are satisfied that the Mayor can grant planning permission without holding a Further Representations Hearing.

Legal considerations

124 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is acting as the Local Planning Authority for the purposes of determining this planning application.

Planning balance

125 As discussed above, the 2016 London Plan that was in place at the time of the Representation Hearing has now been superseded by the adoption of the London Plan 2021. As well as the adoption of the new London Plan and the policies within it now having full weight, the key changes to the wording of the policies are set out above. Further consideration of additional/amended conditions and/or Section 106 obligations to ensure compliance with other requirements of the 2021 London Plan and other guidance documents are also addressed in this report. This update report has also considered any changes to site circumstances and the surrounding area (PTAL, site boundary changes, refuse/recycling, fire safety changes, internal alterations, building footprints and heights and car club spaces) and this has not altered officers' conclusions set out in the Representation Hearing Report.

126 The Representation Hearing Report concluded that the proposal conforms overall with the development plan. When considering the proposals, GLA officers applied the approach in Section 16 of the NPPF and required by the statutory duties relevant to the protection of heritage assets.

127 It is recognised that the policy impetus has shifted to place greater weight on the delivery of well-designed places that achieve sustainable and high-quality development. The proposals for the site have undergone extensive design scrutiny and were concluded to provide a high-quality development that optimises an underutilised brownfield site. The current revisions proposed minor alterations to the scheme but do not materially alter the design intent or overall quality of the proposals.

128As discussed above, whilst the application does not comply with Part B of policy D9 in respect of the principle of the tall buildings proposed in this location. When considering the application as a whole and all the policy and material considerations set out in the Representation Hearing Report and this update report the scheme is considered to be in overall conformity with the development plan and acceptable.

129In addition, it is also important to note that the London Borough of Richmond upon Thames' affordable housing position has worsened since the time of the Representation Hearing as highlighted above in paragraph 40. As such, it remains the view of GLA officers that planning permission should be granted for the reasons given.

Conclusion and officer recommendation

130The Mayor, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic, and local planning policy, relevant supplementary planning guidance, and all material planning considerations. He has also had regard to the comments of the Council and all consultation responses and representations made on the case both to the Council and the GLA. Accordingly, the recommendations at the beginning of this report are proposed.

Annexes

Annex 1 – Draft Decision Notice

Annex 2 – Draft Section 106 Agreement

Annex 3 – LB Richmond letter dated 23 December 2021 and 9 October albeit received on 9 November 2023

Decision record – recommendation agreed/refused

Sadiq Khan
Mayor of London

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