

Former Stag Brewery, Mortlake

in the London Borough of Richmond-upon-Thames

planning application nos. (A):18/0547/FUL, (B):18/0548/FUL and (C):18/0549/FUL

Strategic planning application stage II referral

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

The proposal

Application A: Detailed and outline application for comprehensive mixed use development of site to provide up to 663 residential units, 150 flexible assisted living/residential units, nursing home with 80 bedrooms, and up to 4,664sq.m. of office, retail, cinema, hotel and community floorspace in buildings ranging from 3 to 8 storeys; Application B: Detailed application for new 6-form entry secondary school with sixth form and redevelopment of playing fields; Application C: Detailed application for highways and landscaping works at Chalker's Corner

The applicant

The applicant is **Reselton Properties Ltd** and the architect is **Squire & Partners**.

Key dates: Stage 1 considered: 30 July 2018; Planning Committee: 29 January 2020

Strategic issues

Richmond Council has resolved to grant planning permission for Applications A and B and refuse permission for Application C. The Mayor needs to consider whether he should issue a Direction pursuant to Article 7 of the Mayor of London Order 2008 ("the Order") that he should be the local planning authority and determine the applications, whether he wishes to refuse permission for Applications B and C under Article 6 of the Order, or whether he wishes Richmond Council's decisions to proceed unchanged.

The applications would provide a significant quantum of new housing and new secondary school and sixth form places; these will assist in meeting an identified need. Furthermore, the applications would provide public open space, employment and community uses. The quantum of affordable housing secured is low and warrants further consideration, as do the highways impacts and potential mitigation. The applications for the school and highways works form part of the wider scheme and all applications must be considered together.

Having regard to the details of the application and other relevant matters, it is considered that the development is of a nature and scale that it would have a **significant impact on the implementation of the London Plan** policies on housing and affordable housing supply, and education, and it is considered that there are **sound planning reasons** for the Mayor to issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Richmond Council has resolved to grant planning permission for Applications A and B and refuse permission for Application C.

Recommendation

That a direction is made under Article 7 of the 2008 Order that Richmond Council be advised that the Mayor will act as the local planning authority for the purposes of determining the applications.

Context

1 On 9 April 2018, the Mayor of London received documents from Richmond Council notifying him of three linked planning applications of potential strategic importance to develop the above site for the above uses. Application A is referable under Categories 1A, 1B, 1C of the Schedule to the Order 2008. Application B is referable under Categories 1B and 3C of the Schedule to the Order 2008:

- *1A – “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- *1B – “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a floorspace of more than 15,000 square metres.”*
- *1C – “Development which comprises or includes the erection of a building more than 30 metres high outside the City of London.”*
- *3C - “Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which—(a) is used as a playing field at the time the relevant application for planning permission is made; or (b) has at any time in the five years before the making of the application been used as a playing field.”*

2 Application C was referred by the Council, it being considered to form part of the more substantial development and is therefore referable by virtue of paragraph 2 of the Schedule.

3 On 30 July 2018, the Mayor considered a joint planning report covering all three applications, ref: GLA/4172, 4172a & 4172b/01, and subsequently advised Richmond Council that the applications did not comply with the London Plan, but that the possible remedies set out in paragraph 99 of that report could address these deficiencies.

4 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 29 January 2020, Richmond Council (hereafter, the Council) resolved to grant planning permission for Application A and Application B in accordance with officers’ recommendation, but resolved to refuse planning permission for Application C against officers’ recommendation. On 22 April 2020, the Council advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decisions to proceed unchanged, direct refusal of Applications A and B under Article 6, or issue a direction, under Section 2A of the Town and Country Planning Act 1990 in accordance with Article 7 of the 2008 Order, that he is to act as the local planning authority for the purpose of determining the applications. The Mayor has until 5 May 2020 to notify the Council of his decision(s) and to issue any direction(s).

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

6 The Mayor's decision(s) on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Strategic planning policy and guidance update

7 Since the consultation response was issued, the Mayor published his Intend to Publish London Plan in December 2019. This must be taken into account on the basis described in the NPPF.

8 On 13 March 2020, the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.

9 Richmond Council adopted its new Local Plan on 3 July 2018 and 3 March 2020 in relation to two legal challenges.

The Council's decisions

10 As noted above, three linked planning applications were submitted which together seek the comprehensive mixed-use redevelopment of the site. The Council resolved to approve Applications A and B, and to refuse Application C, as follows:

11 **Application A** (LPA ref:18/0547/FUL/GLA ref: 4172) is a hybrid application comprising detailed and outline elements. This application proposes to demolish the existing buildings and redevelop the site with buildings of 3 to 8 storeys, comprising up to 663 residential units, 150 assisted living units, a nursing/care home with up to 80 bedrooms, up to 4,664 sq.m. of commercial, employment, leisure and community uses, and the provision of new public open space. The detailed component of the application is to the east of Ship Lane and seeks permission for buildings comprising 443 residential units and flexible commercial space. The application proposes a minimum of 12% and a maximum of 17% affordable housing by habitable room.

12 The Council has resolved to approve this application, subject to the completion of a S106 legal agreement.

13 **Application B** (LPA ref: 18/0548/GLA ref: 4172a) is a "drop-in" application proposing a new secondary school and sports facilities on land at the west of the application site.

14 The Council has resolved to approve this application subject to the completion of a S106 legal agreement.

15 **Application C** (LPA ref: 18/0549/GLA ref: 4172b) proposes highways works to Chalker's Corner, to the west of the main application site, to increase the capacity of this road junction and facilitate the delivery of the proposed development.

16 The Council resolved to refuse this application. The Council's draft committee minutes set out the following reasons for refusal:

- a) **Trees:** The development, by reason of the proposed siting of the highway works; the subsequent loss of highly prominent trees of townscape and

amenity value, and the inadequacy of the proposed planting and CAVAT contribution that are not deemed to sufficiently mitigate the harm caused by the loss of the existing trees, would represent an unacceptable form of development, that would harm the visual amenities of the streetscene, surrounding residential properties and area in general, contrary to policy, in particular policies LP 1, LP 8 and LP 16 of the Local Plan; policy 7.21 of the London Plan and the National Planning Policy Framework.

- b) **Other Open Land of Townscape Importance and Unneighbourly:** The development, by reason of the encroachment of the public highway and footway towards and within Chertsey Court and the consequential loss of Other Open Land of Townscape Importance, which is of value by reason of its presence, green nature and openness, would represent an unacceptable and unneighbourly form of development that would harm the green openness and character of both the grounds within Chertsey Court and the kerb side adjacent, to the detriment of the visual amenities of surrounding residents, streetscene and area in general. The development would thereby be contrary to policies, in particular LP 1, LP 8 and LP 14 of the Local Plan and the National Planning Policy Framework.
- c) **Air Quality:** The development, by reason of, its location within an Air Quality Management Area and Air Quality Focus Area; the proposed alterations and increase to the size of the road network; the subsequent reduction in width of the public realm; and the absence of acceptable mitigation to protect the users of the pedestrian network; would result in a poor walking environment and increase the risk of exposure to poor air quality in an area that already suffers from high levels of pollution. The development is thereby contrary to policies, in particular policies LP 10, LP 30 and LP 44 of the Local Plan, policy 7.14 of the London Plan and the National Planning Policy Framework, all of which aim to improve local environmental conditions such as air quality, minimise increased exposure to existing poor air quality, and enhance existing walking networks and people's health and wellbeing.

Officer recommendation

17 This report sets out the matters that the Mayor must consider when deciding whether to allow the Council's draft decisions to proceed unchanged; direct the Council Article 6 to refuse Applications A and/or B; or, issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the applications.

18 The Mayor can direct refusal where he considers that to grant permission would be contrary to the London Plan, prejudicial to its implementation or otherwise contrary to good strategic planning in Greater London. The matters specified in article 6(2) of the 2008 Order have been taken into account in the consideration of the exercise of the Mayor's powers.

19 Further to the consideration within this report, GLA officers have concluded that whilst the principle of the redevelopment for a residential-led mixed use development and a school is supported, it has not been demonstrated that the proposals optimise

the delivery of affordable housing, and neither has it been satisfactorily demonstrated that the highways impacts of the proposal would be suitably mitigated.

20 As described below, this site has the potential to deliver a significant amount of housing, contributing positively towards London's and Richmond Council's housing delivery targets, as well as community and employment floorspace, and a school. However, over the last three years Richmond Council has underdelivered on its housing targets and significantly and consistently underdelivered on its affordable housing targets, and the Council has decided to grant development proposals on this site which would only deliver 12-17% affordable housing. This quantum of affordable housing falls well below the expected level on this site, and requires further consideration before the Mayor can determine whether the redevelopment proposals deliver the maximum amount of affordable housing.

21 Additionally, the Council has decided to refuse planning permission for Application C, which proposed highways works to mitigate against the impacts of the proposal. It has not been demonstrated that alternative measures proposed through the draft S106 would suitably mitigate the traffic impacts of the development, and this also requires further consideration before the Mayor could support the redevelopment proposals.

Article 7: Direction that the Mayor is to be the local planning authority

22 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within Categories 1 and 2 of the Schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in Article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

23 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 25 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

24 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

25 As set out above, the application is for up to 813 residential units. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not

apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

26 Moreover, Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets.

27 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

28 The proposed development would have significant impacts on the implementation of the London Plan, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the “spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below and the conclusion of compliance with it.

London Plan policy context – housing and affordable housing

29 London Plan Policy 3.3 (Increasing Housing Supply) recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met through the provision of at least an annual average of 42,000 net additional homes across London. Moreover, London Plan Policy 3.11 seeks provision of at least 17,000 net affordable homes per year in London. Local Authorities are expected to incorporate the Mayor’s housing and affordable housing targets into local policy; as such, there are no other relevant housing targets to consider.

Recent delivery – London-wide

30 Table 1 below sets out the London-wide delivery against the current London Plan targets between 2016-2019, the most recent years for which data is available.

Total supply	FY2016-2017	FY2017-2018	FY2018-2019	Total	Delivery
<i>Homes target</i>	42,389	42,389	42,389	127,167	88% of target
Homes delivered	44,846	31,692	35,795	112,333	
<i>Affordable homes target</i>	17,000	17,000	17,000	51,000	35% of target
Affordable homes delivered	6,827	4,431	6,648	17,906	

Table 1: Delivery against pan-London housing and affordable housing targets (source: London Development Database).

31 Based on table 1, it is evident that the delivery of London-wide housing is below the London Plan target, and that the delivery of new affordable housing on a London-wide basis is significantly below the London Plan target.

Recent delivery – Richmond Council

32 At a borough level, the London Plan sets Richmond a target of 3,150 homes between 2015 and 2025. To monitor delivery against these targets, Richmond has been assigned an annual target of a minimum of 315 net additional homes per year.

33 Richmond's Local Plan at Core Strategy Policy CS4 sets a local borough-wide target of 50% affordable housing, equating to a numerical target of 158 affordable homes per year based on the London Plan housing target.

34 Table 2 below set out delivery against Richmond's borough level targets during the financial years 2016-2019.

Total supply	FY2016 -2017	FY2017 -2018	FY2018 - 2019	Total	Delivery
<i>Homes target</i>	315	315	315	945	95% of target
Homes delivered	422	231	242	895	
<i>Affordable homes target</i>	158	158	158	474	37% of target
Affordable homes delivered	62	41	70	173	

Table 2: LB Richmond's delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database).

35 From Table 2 it is evident that the Council has not met the aggregated London Plan and Local Plan annual monitoring target for new homes or affordable homes over the tabulated three years, with affordable housing significantly below target. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan and Local Plans that delivery of housing should be maximised.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

36 Richmond has delivered 95% of its current housing targets between 2016/17 and 2018/19. As presently proposed, the development would deliver up to 813 residential units (663 residential units and 150 "flexible" residential/extra care units). This would equate to 259% of Richmond Council's overall annual housing target and 26% of the borough's 10-year London Plan target.

37 Over the same period, the Council have delivered only 37% of its affordable housing targets. Only 19% of the total homes delivered by Richmond Council in this period were affordable homes. The current application proposals, which Richmond Council has decided to grant, includes a minimum of 95 and a maximum of 138 affordable units (12-17% by unit and habitable room), which comprises up to 87% of Richmond's annual affordable housing target.

38 As such, the nature and scale of the proposal, including its potential contribution to the delivery of housing and affordable housing at a borough and London-wide level, is such that it is considered to be a development which would have an important and significant impact on the implementation of the London Plan in terms of provision of new homes.

London Plan policy context – education

39 London Plan Policy 3.18 states that “the Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this”. The policy goes on to state that schools “which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged”.

Potential contribution of this scheme to London Plan objectives – education

40 Application B proposes a new six form entry secondary school with a capacity of 1,200 pupils, a total of 900 pupils in years 7-11 and an eventual sixth form of 250 places. The Council has identified a particular need for secondary school places in this part of the borough. London Council’s Do the Maths 2020 report sets out the number of new school places required to meet demand across London, as shown in the below table.

	2019/20	2020/21	2021/22	2022/23
Primary	308	685	1,284	2,790
Secondary	867	1,827	3,847	5,938
Total	1,175	2,512	5,131	8,728

41 This table shows that, by 2022-23, there is predicted to be a shortfall of 5,938 secondary school places. In the context of the shortfall set out in this table, the provision of 900 new secondary school places is considered to have a significant impact on the implementation of the London Plan, in terms of education provision.

Test 7(1)(a) Conclusion

42 As noted, the Council’s recent delivery of housing and affordable housing is below the minimum targets. The proposed development has the potential to make a substantial and positive contribution to strategic housing and affordable housing targets of the London Plan through optimising the use of an allocated, former industrial site.

43 Having regard to the above, and the London-wide shortfall against the minimum strategic affordable housing targets more generally, the development has the potential to make a significant contribution to housing and affordable housing supply. This is a large, underutilised, brownfield site and is therefore of strategic importance for housing delivery.

44 Having regard to the projected shortfall if secondary school places across London, the proposed six-form entry secondary school would also be of strategic importance for education.

45 Accordingly, it is considered that the scale and nature of the proposed development, in terms of its potential to contribute to delivery of market and affordable housing, and education provision, are such that it would have an important and a significant impact on the implementation of the adopted London Plan (in line with the test set out in Article 7(1)(a) of the Order 2008). As such, it is considered that the test set out within Article 7(1)(a) of the 2008 Order is fulfilled.

Statutory test 7(1)(c): Sound planning reasons for intervening

46 Paragraph (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of determining the application.

47 As discussed above, this site, and the development proposed, is considered to be of strategic as well as of Borough importance in terms of housing delivery. The redevelopment proposed has the potential to make a significant contribution to strategic housing and affordable housing targets. However, the development scheme that Richmond Council has resolved to approve would deliver only 12-17% affordable housing which falls significantly short of the Borough and London Plan targets and would exacerbate the Council's recent underperformance, particularly with respect to affordable housing. As such it is considered necessary for the Mayor to intervene to further consider the potential for development of this site to make a more significant contribution towards affordable housing supply.

48 Furthermore, the Council has resolved to refuse planning permission for Application C, comprising highway works to Chalker's Corner. Without these works or alternative highways mitigation measures being secured, there is a risk that the impact of the increased traffic associated with the proposed development may not be adequately mitigated. This application therefore requires further consideration.

49 Given that Application B, comprising the new secondary school and sixth form, comprises part of the wider scheme, the Mayor must also give further consideration to this application in conjunction with Applications A and C.

Test 7(1)(c) Conclusion

50 The current and recent performance of the Council against development plan targets for the delivery of affordable housing has been considered above and below. This is an accessible under-utilised brownfield site where the London Plan directs housing development. The Council has refused the application for highway improvements to mitigate the impact of the development. Given the development's potential contribution to the London Plan housing delivery targets, but the potential under-delivery of affordable housing represented by the current application proposals, it is considered that there are sound planning reasons for the Mayor to intervene and decide that he becomes local planning authority in respect of the applications, so as to provide the opportunity for him to give further consideration to the applications and to determine them himself. As all three applications comprise a single development project, they must all be considered together. As such, it is considered that the test set out within Article 7(1)(c) of the 2008 Order is fulfilled.

Other material considerations

Intend to Publish London Plan

51 Intend to Publish London Plan Policy H1 (Increasing Housing Supply) sets ten-year targets for net housing completions, which boroughs should plan for. Part B2 of the Policy requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. The Strategic Housing Market Assessment (SHMA) that supports the Intend to Publish London Plan identifies a need for 66,000 net additional homes per year. The Intend to Publish London Plan proposes to increase Richmond's ten-year target to 4,110 homes.

52 With regard to affordable housing, Intend to Publish London Plan Policy H4 sets a strategic target for 50% of all new homes delivered across London to be affordable, although the SHMA recognises that the actual need is higher, at circa 43,500 affordable homes per year. At a local level, using the Mayor's 50% strategic target and the targets set out within the draft London Plan, Richmond is expected to provide 2,055 affordable homes over the 10-year plan period.

53 Whilst the assessment for Test 7(1)(a) above is based on the spatial development strategy for London (given the requirements of the Order 2008), which is the adopted London Plan, it is clear that were delivery to continue in line with the past record discussed above, there would be a further shortfall against draft (Intend to Publish) London Plan targets for housing and affordable housing. As such, the Intend to Publish London Plan provides useful context for considering the scale of delivery expected. However, it must be acknowledged that the Intend to Publish London Plan has not been adopted. The Secretary of State has issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended), although it is noted that the Secretary of State has not directed changes to the housing targets referred to above and substantial weight can therefore be afforded to those policies.

54 In terms of education, Intend to Publish London Plan Policy S3 seeks to ensure that sufficient school places are planned for, particularly in areas of existing and future need. The supporting text states that "in 2016/17, there was a need for 403,000 places in mainstream state-funded secondary schools. The number of places required is projected to increase by 65,000, over the period to 2027/28". In the context of this predicted increase in demand, the proposed six-form entry (900 pupil) secondary school would be significant.

Housing Delivery Test

55 In the context of housing delivery, it should also be noted that the Government's 2019 Housing Delivery Test Measurement (published on 13 February 2020) for Richmond is 121% and recommends no action. The Housing Delivery Test does not include a delivery measurement for affordable housing.

Matters that the Mayor must take into account

56 The Mayor must take account of the Council's current and past performance against development plan targets for new housing and affordable housing. The Mayor must also take account of any other targets set out in the development plan which are

relevant to the subject matter of the application, although in this instance there are considered to be no other relevant development plan targets to consider.

Housing and affordable housing

57 In this case, the relevant development plan targets relate to supply of net additional homes and net additional affordable homes; the relevant targets are set out above. Whilst the information presented above sets out the position in terms of recent delivery against the Council's development plan targets (i.e. in terms of new build completions and long term vacants returning to use), table 3 below sets out the Council's performance in terms of planning approvals for housing and affordable housing in the borough.

Net approvals	FY2016-2017	FY2017-2018	FY2018-2019	Total	Performance against target
<i>Homes target</i>	315	315	315	945	152% of target
Homes consented	637	583	215	1,435	
<i>Affordable homes target</i>	158	158	158	474	24% of target
Affordable homes consented	64	54	-6	112	

Table 3: LB Richmond's performance against London Plan housing target and Local Plan affordable housing target in terms of planning approvals (source: London Development Database).

58 Table 3 demonstrates that, whilst the Council is currently performing well in terms of granting planning permission for additional housing, at a rate one and a half times the target, the Council is significantly under-performing in terms of granting planning permission for affordable homes. It is noted that just 8% of homes consented over the 2016/17 – 2018/19 period were affordable. As such, these figures indicate that planning approvals for affordable housing falls short of Richmond's local target of 50% and represent a significant undersupply of affordable housing in the pipeline. As noted above, the current planning proposals for redevelopment of this major development site propose only 12-17% affordable housing.

Issues raised at consultation stage

59 Notwithstanding the above, when considering whether to take over the application it is also relevant for the Mayor to have regard to the following planning issues which were raised at consultation stage. In this context, it should be noted that at this stage the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant or refuse planning permission. The planning issues identified at consultation stage (set out at paragraph 99 of the Stage I report) were identified as follows:

- **Principle of development:** The redevelopment of this brownfield site for mixed use development is supported in line with London Plan and draft London Plan policies. The partial loss of playing fields and open space, in view of the education use and qualitative improvements to sports facilities provided by the development, is justified provided that comprehensive community use strategy is secured and that the proposals provide alternative facilities for Barnes Eagles football team.

- **Housing:** 17% affordable housing (taking into account the 150 flexible assisted living/residential units which must make an affordable housing contribution) is unacceptable in the context of the low value ex-industrial site and the significant uplift in value represented by the proposed development. GLA officers will work with the applicant to ensure that the provision of affordable housing is maximised in accordance with London Plan Policy 3.12, draft London Plan policies H6 and H7 and the Mayor's Affordable Housing and Viability SPG.
- **Urban design:** The overall approach to the masterplan, layout and approach to scale and massing is supported. Further amendments are required to secure appropriate residential quality and that the highest standard of urban design and architecture are carried forward to the outline phases.
- **Climate change:** Further clarifications and revisions are required to the energy assessment to verify the carbon savings proposed, and to ensure compliance with London Plan Policy 5.2 and draft London Plan Policy SI2. Revisions to the sustainable drainage strategy are required in line with London Plan Policy 5.13 and draft London Plan Policy SI13.
- **Transport:** Reductions to the parking, further highways impact modelling, and a Healthy Streets assessment of the Chalker's Corner proposals are required. Financial contributions to bus service improvements, and conditions and planning obligations are also required.

Update

Principle of development

60 At the consultation stage, the principle of redeveloping this brownfield site for residential led, mixed use development and a secondary school, responding to the principles set out in Richmond Council's adopted site allocation for the site, was strongly supported.

61 The partial loss of playing fields and open space, in view of the education use and qualitative improvements to sports facilities provided by the development, was considered to be justified provided that a comprehensive community use strategy was secured. Richmond Council has secured a Community Use Agreement for the sports facilities as part of the draft heads of terms, as well as a financial contribution from the applicant towards the provision temporary football pitches for Barnes Eagles football club during construction works, and priority use of the proposed new sports pitch by Barnes Eagles football club. Sport England has confirmed that it is satisfied in principle with these measures and has withdrawn its original objection to the scheme.

62 In response to the significant number of local objections which have questioned the need for a secondary school in the proposed location, the Council's committee report sets out evidenced justification for the provision of a secondary school, based on existing and projected local demand for school places. The Council's adopted site allocation for the site requires a secondary school to be provided. London Plan Policy 3.18 (Education Facilities) states that "proposals for new schools, including free schools, should be given positive consideration and should only be refused where there are demonstrable negative local impacts which

substantially outweigh the desirability of establishing a new school and which cannot be addressed through the use of planning conditions or obligations.” In this regard, the Council’s evidence on the borough’s school place demand is accepted and the provision of a secondary school is supported, provided that the local impacts can be suitably mitigated. Should the Mayor take over determination of the applications, these impacts will be fully considered.

Housing and affordable housing

63 At Stage 1, the level of affordable housing within the scheme amounted to 17% by habitable room based on a 817 unit scheme (i.e. including all of the 150 “flexible” residential/assisted living units as Class C3 units which must make an affordable housing contribution). This quantum of affordable housing was considered unacceptable by GLA officers considering the former industrial use of the land and the significant uplift in value represented by the proposed development. Since Stage 1, no additional affordable housing has been proposed by the applicant. Indeed, the applicant would propose to lower the amount of affordable housing to a minimum of 12% (95 units) if it is not able to claim full occupied building credit to reduce its CIL liability. The level of affordable housing currently proposed to be secured in the Council’s draft S106 agreement is therefore between 12-17%, split 80/20 in favour of London Affordable Rent.

64 GLA officers have robustly scrutinised the applicant’s viability evidence since the issue of the Stage 1 report. Whilst it has not been possible to demonstrate that the current scheme can viably deliver significantly more than 17% affordable housing, a level of 12-17% falls significantly short of the expected provision for this site, and it is concluded by GLA officers that a sub-optimal scheme is currently proposed. It is noted, for instance, that the large basement car park is still proposed, which has a disproportionate impact on viability, and no further revisions to the tenure split have been proposed.

65 The issues raised at consultation stage therefore remain outstanding. Further discussions will take place with regard to affordable housing and potential revisions to the scheme to increase the level, should the Mayor take over determination of the application.

Urban design and heritage

66 The proposed layout, height and massing of the proposals were broadly supported by GLA officers at Stage 1. Since Stage 1, amended drawings and documents were submitted by the applicant to make minor amendments to the residential layouts and reduce the number of units by 4. The amendments have not altered the GLA’s views on the design expressed at the consultation stage.

67 The Council has secured robust design codes for the outline elements. Further discussions will take place should the Mayor call the application in, to ensure the development achieves the highest standards of design and residential quality.

68 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. In relation to conservation areas, “*special attention shall be paid to the*

desirability of preserving or enhancing the character or appearance of that area'. Where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

69 London Plan Policy 7.8 and Policy HC1 of the Mayor's intend to publish London Plan state that development should conserve heritage assets and avoid harm. London Plan Policy 7.8 'Heritage assets and archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, which is reflected in Policy HC1 'Heritage conservation and growth' of the draft London Plan. Any harm to a heritage asset should be given substantial importance and weight in any planning balance.

70 The Council's committee report includes an assessment of the proposals' impacts on designated and non-designated heritage assets within and surrounding the site. In this case, there are no listed buildings within the site, but a number of buildings, including the Former Hotel Building, Former Bottling Plant, and the Maltings Building, are locally listed as Buildings of Townscape Merit (BTMs). These buildings are also included within the boundary of the Mortlake Conservation Area, which lies to the north and east of the site. This conservation also includes a row of Grade II listed buildings and a Grade II listed garden wall, on Ship Lane/Thames Bank. A Grade II listed Gateway, formerly Cromwell House, is situated on the western side of Williams Lane. Mortlake Green Conservation Area lies to the south of the site on Lower Richmond Road.

71 The redevelopment proposals seek to retain and convert the Maltings Building, and to retain at least the front facades of the Former Hotel Building and Former Bottling Plant. Whilst there would be some harm to these locally listed buildings by reason of the loss of building fabric, the benefits of retaining and restoring the key architectural and historic elements of these buildings and securing their long-term use is considered to outweigh any harm. In terms of the impact on the listed buildings and structures outside the site, and on the conservation areas, the substantial benefits of removing the modern factory buildings, which detract from the setting of these heritage assets, are acknowledged. The proposed development would be of a high architectural quality, with a scale which respects the setting of the surrounding heritage assets. The Council concurs with this assessment and Historic England did not object to the proposals.

72 Should the Mayor take over determination of the application, the heritage impacts of the proposals would be fully considered.

Environment

73 At the consultation stage, concerns were raised regarding the multiple energy centres proposed, and further justification for the proposed CHP technology was required. The applicant was requested to consider the scope for additional measures aimed at achieving further carbon reductions.

74 Since Stage 1, the applicant has engaged with GLA officers and the Council and agreed an acceptable approach to the energy strategy. Conditions have been

agreed which would set out the process for providing the scheme with a single energy centre when the development is completed, on the following basis:

- d) A temporary on-site energy centre for Development Area 1 (gas fired boilers) would be provided on commencement of Development Area 1.
- e) Subsequently, a single energy centre will be provided on commencement of Development Area 2 providing a single connected heat network for Development Areas 1 and 2, replacing the temporary energy centre referred to above.

75 This approach will ensure that further consideration can be given to the energy strategy at various stages of this phased, hybrid development to ensure that carbon reductions are being maximised in line with the most recent London Plan policy. The application is currently proposed to achieve 35% on-site carbon reductions in Development Areas 1 and 2 and the applicant has agreed carbon offset contributions to achieve a zero carbon development, amounting to £1,413,731 for Application A and £16,738 for Application B.

76 These issues will be considered further in detail should the application be called in by the Mayor.

Air quality

77 London Plan Policy 7.14 and the Mayor's Intend to Publish London Plan Policy SI1 states that development proposals should not: a) lead to further deterioration of existing poor air quality, b) create any new areas that exceed air quality limits, or c) create unacceptable risk of high levels of exposure to poor air quality. To meet these requirements, development proposals must be at least Air Quality Neutral and developments in Air Quality Focus Areas (AQFAs) should demonstrate that design measures have been used to minimise exposure.

78 The entire Borough is identified as an Air Quality Management Area (AQMA), and the Chalker's Corner application site is adjacent to a AQFA. An Air Quality EIA Report (AQEIA) has been submitted to consider the likely significant effects of the entire development both during construction and in its operational phase, i.e. the impact of the development with the proposed works at Chalker's Corner.

79 Having regard to the impact of the proposed Chalker's Corner works in Application C, the results of the assessment (to which Council officers and GLA officers concur) can be broadly summed up as follows:

- If the development went ahead without the Chalker's Corner works, the air quality conditions would worsen beyond the 2027 "without development" baseline
- If the development went ahead with the Chalker's Corner works:
 - a) The air quality conditions would improve overall compared to the development going ahead without the Chalker's Corner works,

- b) Air quality conditions would improve for some and deteriorate for others in Lower Richmond Road compared to the 2027 baseline, with residents at Chertsey Court particularly experiencing deteriorations in air quality.

80 Subject to conditions discussed with GLA officers and proposed by Richmond Council officers, including the requirement for 20% of the parking spaces within the development to be for electric vehicles only, officers are satisfied that the air quality impacts from traffic associated with the development can be acceptably mitigated, assuming that the Chalker's Corner works went ahead. However, Richmond Council's committee decided to refuse planning permission for the Chalker's Corner works. As noted above, the development is expected to have a worse impact on overall air quality without the junction works compared to the development going ahead with the works. This matter would require further consideration if the Mayor were to call in the application.

81 Having regard to the achievement of Air Quality Neutral, it is proposed to address this requirement in two phases. Development Area 1 in Application A and the school in Application B are confirmed to be capable of achieving Air Quality Neutral and conditions would be applied on each application to secure this. An additional condition, requiring a strategy to show how Development Area 2 would also be Air Quality Neutral, is also proposed. This strategy would be interlinked with the proposals to revise the energy strategy as outlined above. These matters would likewise be considered further should the Mayor call in the application.

Flood risk, drainage and water

82 At the consultation stage the applicant was requested to review its drainage strategy and provide further justification to ensure compliance with London Plan policy. The applicant has worked with GLA officers and resolved outstanding matters. As such, the application is now acceptable in terms of flood risk, drainage and water matters.

Transport

83 A number of transport issues were raised at Stage 1, including further work required on the Chalker's Corner scheme design to ensure it was in line with TfL's Healthy Streets approach, and provided an adequate response to ensure bus journey times were not adversely affected by the development. Requests for a further reduction in car parking, to take into account the congested nature of the surrounding highway network, as well as clarification of the non-residential car parking provision were also highlighted. An increase in cycle parking and contributions towards bus capacity, mitigation for loss of street trees and a TfL highways scheme were sought, as well as further analysis of the strategic modelling to ensure an appropriate local and strategic highway assessment. A final travel plan, Delivery and Servicing Plan, Construction Logistics Plan and Car Park Management Plan was also requested to be secured by condition or through the section 106 agreement.

84 Since Stage 1, further discussions have been held between TfL, the Council and the applicant and additional work was undertaken concerning the Chalker's Corner scheme, including a Healthy Streets design assessment. As a result, TfL confirmed it accepted the principle of the Chalker's Corner scheme proposed, to mitigate the impact of the vehicle trips generated by the Stag Brewery development.

85 Further information has also been provided to address issues raised concerning the highway modelling assessment. The modelling undertaken is now satisfactory.

86 As noted above, Richmond Council resolved to refuse Application C, which includes the proposed changes to the public highway at Chalker's Corner. Following this resolution, Richmond Council is proposing that as an alternative to the Chalker's Corner scheme, a transport contribution is provided by the developer for a package of measures aimed at improving the surrounding highway network. These measures include:

- Area Wide Traffic Management Contribution;
- Highway Improvements Contribution;
- Chalker's Corner Junction Contribution;
- Main development Travel Plan and Travel Plan Bond.

87 However, whilst these measures are included in the heads of terms in Richmond Council's draft S106 agreement, there is no further detail as to what these measures would entail or how and if they would mitigate the impact of the vehicle trips generated by the Stag Brewery development, or the subsequent impact on bus journey times. As such, it is not possible to determine at this stage whether the transport impacts of the proposed development would be adequately mitigated. This would require further consideration should the Mayor call in the application.

88 With regard to car parking, it is acknowledged that the residential car parking provision proposed accords with both the London Plan and Intend to Publish London Plan standards, but a further reduction to both residential and non-residential car parking was encouraged given the congested nature of the road network. TfL and GLA officers remain of the view that a reduction in car parking would reduce the proposals' impact on the highway network. This would be considered further if the Mayor called in the application.

89 Section 106 contributions have been secured towards bus capacity improvements for both the school and residential element of the development, and a TfL pedestrian and cycle improvement scheme at the A205 Upper Richmond Road / Sheen Lane junction. Other measures to be secured through the s106 include car club spaces and membership, and a comprehensive travel planning and monitoring process. A Car Park Management Plan, Delivery and Servicing Plan and Construction Management Plan have been secured by condition as requested.

90 In summary, not all the transport issues raised at Stage 1, have been adequately addressed, in particular those regarding impacts to the bus journey times. The scheme, with the omission of the Chalker's Corner proposals, and in the absence of alternative modelled highways mitigation measures, cannot currently be considered to be in accordance with the transport policies of the London Plan and these matters would be further considered should the Mayor call in the application.

Responses to consultation

Neighbourhood consultation

91 The applications were advertised by site and press notice, and by individual letters to surrounding properties. In May 2019, revisions were submitted by the applicant to Applications A and B, and a further round of consultation took place. The consultation generated 2,388 responses. 2,260 representations were in objection to the proposals (1,119 in response to Application A, 610 in response to Application B and 531 in response to Application C). 51 responses in support were received (26 in response to Application A, 19 in response to Application B and 4 in response to Application C). 77 responses were neutral or observations (51 in response to Application A, 14 in response to Application B and 12 in response to Application C).

92 The representations received by the Council during the consultation period during the course of the application have been set out in detail in the Council's planning committee report and the individual representations have been made available to the Mayor as part of the statutory referral process. The key issues raised by the consultations are outlined below:

Application A - Objection

Land use

- Housing: Acknowledge need for additional housing – however, development proposed is out of character
- School: Secondary school unnecessary
- Care Village: No objection to care home. Why are there care home beds so close to Barnes Hospital? Already have sheltered housing. Impacts should be considered in conjunction with Barnes Hospital. Unsuitability of location; no need for care home.
- Commercial / community uses: The Maltings ground floor community centre is welcomed, however, the floor layout needs to be re-examined. Not flexible. More cultural facilities needed. Missed opportunity for local micro-brewery, providing local employment. Already 3 pubs in close proximity. No need for hotel or cinema. Will undermine the Olympic Cinema. Shops / commercial use not necessary to serve the area and will undermine local shopping areas. Insufficient employment floorspace. Should provide more flexible space for small and medium sized businesses.

Residential land use

- Too many residents for site. Density too high and double the original consultation documents. The scheme will increase the population by 40%. Amount of residential (817+) is above the 560 units in the Planning Brief.

General housing

- Quality of accommodation is poor. Need guarantee that the housing will not be an investment opportunity for people with no intention of making a home here. Against a 'rich ghetto' and units for overseas investment. Scheme maximises the numbers of 1 & 2 bed flats to maximise financial returns. Lack of family homes – too many apartments. The scheme should include a good mix of tenure and sizes of units with a high social and affordable provision. Any such units should

be sensitively incorporated into and across the phased development. Should have larger flats suitable for downsizers

Affordable housing:

- Housing should be affordable. 20% affordable housing is insufficient and does not meet 50% policy requirement. Justification for low percentage of affordable housing is inadequate and methodology flawed. Land price should be based on providing 50% affordable housing. Paying too much for the land is not a material consideration. Delivery of the affordable housing – late in the development, which may mean provision is reduced over time. No affordable housing in Phase 1. Affordable housing should be provided throughout the development, on both sides of Ship Lane.

School

- School site is too cramped with inadequate access and insufficient playing fields. Pupil numbers should be reduced. Sports field should be available for community use.

Health Infrastructure

- Need to involve CCG and NHS England. Need to resolve infrastructure first. Additional impact on local services, doctors, dentists, schools, hospitals and social services which are already oversubscribed. There should be a GP, dentist, surgery, pharmacy and Primary Care facilities within the site.

Community use

- The ground floor layout proposed for flexible use of The Maltings is unsuitable. The applicants have not adopted the brief the community gave the architects. Space for the community use requires management and office space. Some source of independent income is required to pay the running costs. Without these provisions, grant giving bodies are unlikely to be persuaded to fund the development. Question need for a boathouse.

Scale of development

- Too dense and bulky. Site cannot sustain school and level of residential occupation – impact on traffic, pollution, and strain on infrastructure. Should be a significant reduction in the number of units. Overdevelopment and overcrowding. Should adhere to the scale of the development in the Planning Brief. Overpowering for those along the river bank. Urban development in a suburban location. North-western zone too dense and too high.

Layout

- Missed opportunity for iconic riverside location. Orientation of blocks inappropriate. There is no visionary masterplan; plan too ambitious. Needs greater connectivity with surroundings. Compressed layout; blocks too close, creating overlooking, wind tunnels and deep shade, overshadowing of play space and public realm. School should be built adjacent to and not on the existing playing fields. Construction of 2 apartment blocks on the sports field is

unacceptable. Geographical limitations are considerable - Mortlake is effectively cut off by the railway, river and Chalker's Corner. Open space and courtyards could become private rather than open areas. The ground floor active uses would be better focussed around the green link and Maltings Plaza. Access ramp to basement car parking still included, which faces onto Mortlake High Street – visually intrusive and does not comply with the spirit of the 2011 Planning Brief, which encourages active uses of the High Street. Turns back on river. Does not create a heart for Mortlake. Will be a security risk. Need to open up the river to the community. Butler House has been incorrectly sited – this should be resolved. Question the quality of the amenity space.

Design

- Disappointing and uninspiring architecture and design. Out of keeping with local area. Soulless, straight and angular grid pattern; architecturally bland. Development does not respond to the existing heritage of the site or Mortlake. Development is urban in character and out of keeping. Change the 'village' atmosphere. Impact on skyline and Thames Path. Brick is glaring red. Cinema building looks alien. Retro-grade, developer led project. Impact on river views. Too high and will represent a high rise development. Height exceeds planning brief. Height is out of keeping and character. Illustrations do not give true height of buildings. Development should be further away from the river. Reduction in development will remove the need for Chalker's Corner works and deliver more affordable housing. Design Code should also include storey heights. Siting of school; should be in main development area. Contrary to scale and numbers envisaged in the Planning Brief. Lack of information about surrounding heights. Will be in excess of surrounding building heights – should be no higher. Buildings fronting Williams Lane should be 2/3 storey.

Heritage

- Scheme is adjacent to two conservation areas and will impact detrimentally on heritage assets, including listed buildings. Impact on St Mary's Church. Impact on archaeology. Impact on settings of heritage assets and vista. Roof of the hotel should be retained. Should protect whole of locally listed buildings, not just façade. Site should be preserved as a historic site of interest and managed by English Heritage, with a small amount of social housing. Loss of historic buildings. Need to protect plaques 'Stag sign' – wall on eastern gatehouse.

Open space, trees and ecology

- Loss of trees, including TPO and mature trees. Additional trees needed to counter act the effects on air and noise pollution. Impact on nature conservation, birds, flora and fauna. Loss of "Other Open Land of Townscape Importance (OOLTI). Inadequate replacement open space. Loss of sports field / recreation space. Lack of amenity space and needs more open space between blocks. Open spaces will not be public. Pressure on parks and green space
- Loss of sporting facilities and field. Sports field provides significant health and aesthetic benefits. Should include a boat club. Plastic surface cannot be compared to grass. Open Space and playing fields assessment is flawed – ignores opportunity to retain and locate the school elsewhere. The artificial pitch is not re-provision. Should keep and relocate playing fields. The all-weather pitch,

fencing and floodlighting would be intrusive and excessive. Open space should remain open to all and accessible at all times. Sports fields site is too small for a 11-18 secondary school.

Highways

- Transport Assessment flawed and misleading. Need for traffic survey.
- Highway safety: Increased accidents anticipated, implications for emergency services in response to additional congestion.
- Level crossing and station: Gates are down 50 minutes per hour. Should have a road bridge / tunnel at Sheen Lane crossing. The Sheen Lane junction is already deemed to be high risk by Network Rail. Should have wholesale redevelopment of Mortlake Station. Level crossings in Sheen Lane and White Hart Lane cause major hold ups. Pedestrian and vehicular risk at Sheen Lane level crossing not addressed.
- Road infrastructure: Should have a tunnel from the development under the river and overpass to Mortlake Road on other side of A316. Should provide real lane widening. Ship Lane and Williams Lane are too narrow and should be kept open. Road access insufficient for proposed number of dwellings. A one way road system should be put in place. Increased strain on local road / road network.
- Traffic: Scheme will exacerbate existing severe congestion and traffic generation, increasing delays. Chalker's Corner works proposed are insufficient and would not alleviate the problem.
- Parking: A lower density scheme would not need as much parking. Basement should be omitted and parking on site with management strategy. Impact on parking in surrounding streets. CPZ should be introduced. Proposal provides too little parking. Proposal provides too much parking and should be car free. Electric vehicle charging/car club spaces should be provided.
- Public transport: Local transport infrastructure cannot cope. Train and bus services need to be increased in number and frequency. Longer trains will result in the barriers having long down time. Mortlake Station overburdened. Trains already overcrowded. A river bus should be provided.
- Better infrastructure for cyclists and pedestrians needed.
- Hammersmith Bridge: Hammersmith Bridge may never open. Traffic impacts need to be reconsidered after closure. Development should be postponed until Hammersmith Bridge reopens. Traffic studies need to be updated. Roads cannot take anymore given chaos caused by Bridge closure.

Residential amenity

- Development would cause loss of light and overshadowing, impact on sunlight and daylight, impact on visual amenities, noise and disturbance, light pollution, loss of privacy, air pollution and detriment to health and wellbeing of local community, including impact on disabled / other vulnerable people.

Air Quality

- Development will cause poor air quality and pollution, in particular with expanded ULC 2 and Heathrow. Impact on air quality as a result of tree loss. Health implications as a result of air pollution. Should record pollution levels, so there is accountability. Amount of deaths around London from poor air quality – air quality should be improved not reduced. Chalker's Corner is already in an AQFA.

Sustainability and environmental impact

- Development with large basement will increase flood risk.
- Lack of energy sustainability and renewable energy provision. Units should use electricity powered by solar panels. Since we have declared a Climate Emergency, the redevelopment should be exemplar of sustainable living and be car free.
- Smells and hazardous material
- Construction impacts. River must be used during construction, site clearance and spoil removal. Impact from construction – workers traffic. Construction disturbance. Ship Lane and Williams Lane must be kept open and used during the demolition and construction process. Need protection from dust, mud and asbestos during works.

Other considerations

- Objectionable to describe air quality / traffic as of 'little significance'. Revisions proposed little change in scheme, insufficient amendments. Lack of evidence to support conclusions. Cumulative impact of other developments. No community involvement and lip service consultation. Land for Chalker's Corner works is in residents' leasehold. No adequate mitigation. Support the objections of Mortlake Brewery Community Group.

Application A - Support

Well considered, comprehensive schemes. Support for new school. Will create opportunities for first time buyers. Will create job opportunities. Much needed housing. Cinema and public space supported. Retention of historic buildings.

Application B – Objection

School

No justification for secondary school and new sixth form. Local primary schools are reducing in size due to changes in demographics. Expansion of other local schools should be delivered instead. Evidence of need is out of date. Planning Brief required a primary school and there was no consultation on the change to secondary school. Scale of school unclear. A primary school would take up less open space and could lead to more affordable housing. Thompson House/Thomas Cromwell school could be moved to the site. Other local schools aren't at full capacity. Proposed school is too large and would impact on traffic. The community use of the sports facilities would worsen traffic. School will struggle to recruit staff given lack of parking and trains at capacity, and lack of affordable housing in the area. No consultation on type of school/Academy

(Livingston Academy); Cromwell school is more supported locally. School site is cramped and is unlikely to provide a high quality learning environment.

Impact on neighbour amenity

School will cause noise disturbance; traffic and floodlighting will impact on quality of life.

Siting and design

School should not be next to the road. Represents overdevelopment. Insufficient infrastructure to cater for development. Scale and height is unacceptable. Design does not fit with shape of site. Exceeds heights of planning brief. Site too constrained, dominates river and towpath. School is small and cramped, with inadequate playing fields; should cater for a smaller number of pupils. Architecture dull and out of character with surroundings.

Open space

Loss of open space and OOLTI. Building on green space is contrary to policy. Only remaining real open space would be community park. Grass fields have health and aesthetic benefits and are not the same as astroturf pitches. There will be a reduction in area available for sports. Replacement pitch will be dominated by the few students. Loss of playing fields is contrary to Planning Brief. Loss of trees.

Highways and transport

School would exacerbate gridlocked traffic, and would cause unsafe highway conditions, especially at Mortlake level crossing. No parking for teachers or sixth form students. Application should not be decided before a long term solution for Hammersmith Bridge closure is implemented. Development would cause further strain on public transport, which cannot cope. More trains required at Mortlake Station; more bus services required.

Environmental issues

Loss of playing fields will lead to loss of ground drainage and increased flooding. Will have detrimental impact on environment and ecosystems. Development would cause noise and light pollution, poor air quality and traffic pollution.

Application B - Support

New school is needed in local area. Location, height and massing supported. Improvements to sports facilities, with access for local community, is supported.

Application C - Objection

Development would cause loss of trees, loss of OOLTI open space, and would be detrimental to the environment and nature conservation. Proposals would result in loss of residential amenity land, wrong that Chertsey Court residents should lose green space. Detrimental impact on residential amenity through visual intrusion, increased noise pollution and air pollution. Scheme would not reduce congestion, and would instead add more traffic. No provision for cyclists. Hammersmith Bridge closure has not been taken into account. Development does not respond to climate crisis. A more radical solution is required, proposed Chalker's Corner works are woefully inadequate. No need for Chalker's Corner works. Junction is already at capacity. A slip road between site and cemetery by Chiswick Bridge should be created. Scale of development should be reduced, with major improvement to public transport, instead of

new junction. Revisions have ignored objections. Traffic calming measures should be explored.

Responses from local amenity groups and Councillors (summary of response on all three applications)

- **Mortlake Brewery Community Group:** (including petition with 126 signatures): Whilst there are some positives including green link to river and housing need, there are significant concerns regarding density, height exceeding Brief, compressed overbearing layout resulting in overshadowing, design out of character, privatisation of courtyards. Viability of commercial uses and layout of community spaces questioned. Impact on traffic; traffic modelling questioned, the infrastructure cannot accommodate traffic, no strategy for improving public transport or addressing level crossing. Loss of playing fields and OOLTI, grass pitches should be provided. 35% affordable housing should be provided and affordable should be spread across the site. On site NHS facilities required. Evidence for secondary school questioned, demand could be met by expanding existing schools. School site is too small for numbers of pupils and should be located off the playing fields. ES findings and methodology questioned. Air quality impacts. Hammersmith Bridge closure needs addressing. Lack of meaningful consultation. Alternative proposals have been formulated by this group.
- **Mortlake Community Association:** Objections: No affordable housing in phase 1, affordable housing should be spread across the site to achieve mixed community. Basement should be reduced to increase affordable housing. Overdensity, no evidence of sustainability. Loss of open space and trees leading to increased pollution. Inadequate public transport improvements and problems of accessibility. Absence of provision for healthcare facilities. No need for/impact of retail. Layout of community floorspace unsuitable and requires ongoing funding and management. No concessions for less mobile residents. Objections not addressed by revisions.
- **Environment Committee of Barnes Community Association:** Objections: unimaginative, soulless design, too many small units, height exceeds planning brief and should be reduced. Overdensity, overlooking between dwellings. Traffic generation and impact on public transport. Loss of playing fields, sports provision and OOLTI. Chalker's Corner scheme does not provide sustainable travel, will increase traffic and pollution, will lead to loss of landscape, trees and OOLTI.
- **Williams Lane & Wadham Mews Residents:** Support for location and height of school, retention of trees and provision of some green amenity space, height diminishing towards east, basement parking, mix of uses, community access and opening of riverside. Objections: impact on residential amenity (loss of light, overlooking, noise and disturbance and impact on visual amenity); flood risk, overdensity, overbearing, density and scale exceeds planning brief, height of buildings in north-west zone, no provision for primary school, questionable evidence for secondary school, loss of playing fields, trees and open space, impact on ecology, effect on heritage assets, air quality, location of affordable housing, strain on infrastructure, lack of parking, materials not in keeping, lack of viable transport mitigation, S106 and CIL should be publicly available, criticism over public consultation, no substantial changes to original scheme.
- **Mortlake and East Sheen Society:** Object on height, design, density, environmental impact, air pollution. West of site should have greater mix of uses and reflect urban grain, affordable housing should be dispersed around the

development and not concentrated in one area, should be a greater amount of key worker and less social rented accommodation. Size of school unsustainable, evidence for school questionable, demand can be met by expansion, poor location for school, impact of floodlights, loss of open space, grass and cricket ground. Impact on traffic, inadequate public transport. Too much parking. Impact on climate change. Chalker's Corner proposals will create traffic and lead to loss of trees and air pollution. Hammersmith Bridge closure needs to be modelled. Revisions minor, no change in building heights. Development has not been considered by Design Review Panel. Support alternative designs put forward by Mortlake Brewery Community Group. Heritage Consultant commissioned, raising concern about impact on heritage assets and local character.

- **Richmond Cycling Campaign:** object on grounds of not improving links with cycle and pedestrian network, doesn't promote active travel, no improvements for cycling/inadequate provision for cyclists in development, excessive parking.
- **Richmond Park Constituency Labour Group:** Development would have an enormous and potentially detrimental impact on wider area, increased traffic and resulting poor air quality, secondary school will increase the pressure on roads and public transport, increased pressure on level crossing, density should be reduced, buildings too high, layout is cramped, not in keeping with suburban character, first phase includes no affordable housing, impact on Chalker's Corner residents, car club and NHS facilities should be provided.
- **Kew Society:** Object on grounds of air quality and view from north side of the river and Chiswick Bridge.
- **Barnes Community Association:** Endorse observations from BCA Environment Group
- **Thames Bank Residents' Association:** object on grounds of height, density, cramped layout, impact on historic buildings, increased traffic, loss of playing fields and open space, contrary to planning brief, public transport requires improvement, through traffic on Thames Bank should not be allowed, residents' parking restrictions required surrounding site, routing of construction traffic, pollution, height of buildings to north west, overbearing development to the east, impact on towpath, disruption to Thames Bank residents, no evidence for secondary school, lack of affordable housing, viability unrealistic, Chalker's Corner would add traffic, loss of trees, noise and pollution for residents. Concerns not addressed by revisions.
- **West London River Group:** Support archaeological mitigation, alterations to windows on historic buildings would diminish their significance, demolition of historic boundary wall a significant concern. Clarity on flood defence boundary and railway track, paving and moorings. Need additional tree planting and bat boxes. Concern about overshadowing environment and habitat. Support provision of boathouse. Transportation by river should be reconsidered. Impact on towpath. Concerns not addressed by revisions.
- **Towpath Group:** concerns raised over impact on towpath (overbearing, overshadowing, development out of character, litter, levels mustn't be raised, don't want interpretation boards or playspace, repairs required). Public access to towpath needs clarifying. Concerns not addressed by revisions.
- **Thames Path National Trail Partnership:** no response to developer on objections. Thames Path is legally protected. Would like to see further mitigation in response to increased usage. Closure during construction should be clarified. Increases in width, improvements to surface and bank restoration and vegetation management should be considered.

- **Richmond Bat Species Action Group:** Concern over scope and findings of bat survey, may have impact on bats.
- **Thompson House School (and Governing Body):** Support proposals.
- **Councillor Avon:** objects on grounds of density, impact on residential amenity, sustainable development, lack of infrastructure, low PTAL, traffic impacts, Chalker's Corner not solving problems of traffic, impact on Mortlake level crossing and Station.
- **Councillor Cambridge:** concerns expressed regarding density, car parking, loss of playing fields and open space, bringing traffic closer to Chertsey Court and lack of infrastructure.
- **Councillor Wilson:** queried community space provisions.
- **Councillors Warren, Baldwin and Pyne:** concerns raised regarding construction traffic, traffic from completed development, felling of trees, school should be car free, playing field should be open to community, overcrowding at Mortlake Station.
- **Councillor Bridges-Westcott:** Concerns regarding community space provision, affordable housing provision, excessive car parking, air quality, construction impacts on roads and residents, impact on Chertsey Court residents from Chalker's Corner proposals, lack of infrastructure to support development.
- **Councillor Hodgins:** Support expressed for the secondary school in this location.

Responses from statutory bodies and other organisations (summary of response on all three applications)

- **Ealing Council:** no response.
- **Hammersmith & Fulham Council:** Highway authority objects on basis of impact of development and construction traffic on the public highway.
- **Wandsworth Council:** no objection.
- **Hounslow Council:** no objection subject to adequate public transport capacity.
- **Historic England:** no objection.
- **Greater London Archaeological Advisory Service (GLAAS):** no objection subject to conditions (included in Council's draft decision).
- **Port of London Authority:** no objection following amendments to the application.
- **Thames Water:** conditions and informatives requested (included in Council's draft decision).
- **NHS England:** no comments.
- **Hounslow and Richmond Community Healthcare:** no comments.
- **Clinical Commissioning Group:** Concern raised over healthcare impact of including care home and extra care units. S106 contribution to healthcare required (The Council has secured the requested contribution in the draft S106).
- **Environment Agency:** Originally raised objection, but no objection raised to revised information subject to conditions (included in Council's draft decision).
- **Lead Local Flood Authority:** No objection to revised information subject to conditions (included in Council's draft decision).
- **National Trail:** no objections to revised information on Thames Path.
- **Natural England:** No objections; advice offered.

- **Network Rail:** (original comments): no objection raised, but concern regarding projected usage of Mortlake station and level crossing, and the modelling supporting the figures on projected additional demand.
- **Rail Infrastructure Managers – Network Rail:** (reconsultation response): No objections.
- **Rail Infrastructure Operators – South Western Railway:** No comments received.
- **Royal Mail Group:** object to Application B on the basis of Agent of Change principles and traffic congestion around the Barnes Delivery Office. School travel plan needs strengthening.
- **Sport England:** Original objection withdrawn, as application meets Exception Test 5, subject to the inclusion of conditions and S106 heads of terms.
- **British Rowing:** Disappointed no provision for rowing facilities.

Representations to the Mayor

93 Direct representations to the Mayor were received from Caroline Pigeon AM and Tony Arbour AM, requesting that the Mayor calls in the applications.

94 In addition, 15 direct representations from local residents were received, including representations from the Mortlake Brewery Community Group raising concerns and comments on the applications on the grounds outlined in the paragraphs above.

Response to consultation conclusion

95 Should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officer's assessment of the application.

Draft S106 legal agreement

96 The Council has secured the following heads of terms relating to Applications A and B in its draft S106 agreement:

Affordable housing

- minimum of 12% (95 units) and maximum of 17% (138 units), split 80% London Affordable Rent and 20% intermediate shared ownership
- Early stage review mechanism (NB two mid-term and late stage review mechanisms remain unagreed at this stage)
- Consideration of redesign of building 18 to maximise number of affordable units.

Highways

- Highways mitigation measures:
 - Contribution of £1,953,000 towards Area wide Traffic Management measures, including: measures to support safe and convenient access by foot, bicycle and bus, traffic signal and junction improvements, improvements to Mortlake Station and Barnes Bridge station, signage and wayfinding, bus stop infrastructure, environmental improvement, cycle parking and traffic enforcement

- Contribution of £950,000 towards highway improvements on Lower Richmond Road, Mortlake High Street and Sheen Lane
- Contribution of £1,650,000 towards junction, highway and signal improvements at Chalker's Corner.

- Implementation of highway works and on-street parking re-provision
- £3,675,000 contribution towards bus service upgrades
- £228,878 contribution towards TfL pedestrian improvement scheme
- £130,000 contribution towards implementation of Community Parking Zone
- S278 and funding of level crossing works
- 3 Car club spaces with 2 year membership
- Electric vehicle charging points
- Submission of school and main development travel plans, monitoring period of 7 and 8 years respectively, and monitoring fee
- Submission of construction management plan with community liaison officer and monitoring fee
- Delivery of cycle hire scheme
- Works to towpath and £44,265 contribution to towpath

School

- Phased opening of school (pupil numbers to be restricted to 180 per year)
- Delivery of cleared site and 125 year lease to ESFA (NB, specific obligations relating to financial contributions attributed to the "School Developer" (the Department for Education/LocatED) and the maintenance of the community park have not yet been agreed by the DfE/LocatED).

Sport

- Phasing and trigger for playing field re-provision and community park, with contingency in case of delay.
- Delivery of sports facilities to agreed standard.
- Community use agreement covering facilities, hours, management and fees
- £18,000 contribution towards upgrade of existing grass pitches
- Financial contribution to Barnes Eagles FC for replacement facilities during construction works and agreement for priority use of the 3G pitch.
- Covenant of Use for new residents facing the pitch regarding noise complaints.

Care Village

- C2 use restriction, submission of management plan and operator plan, restriction on tenure and age, commitment to care package and 3 month marketing of units to Richmond residents

Healthcare

- £465,850 contribution to GP mitigation

Employment

- 10% affordable workspace in perpetuity

- Local Employment Agreement
- B Class space to be marketed to local businesses first

Community Use

- Delivery of ground floor of Building 4 as a community use and marketing arrangements
- Delivery of Building 9 as a Boathouse and fit-out of Water Sports centre

Public Realm

- Delivery of pedestrian and cycle links
- £145,344 towards Mortlake Green upgrades
- Delivery of community park by developer and contribution of £147,700 to LBRuT for 10 year maintenance, or, transfer of community park land to LBRuT and contribution of £886,000 for its delivery and maintenance.

Environment

- Provision of air quality signage and information
- £60,000 contribution towards Air Quality Monitoring Station
- £70,000 contribution towards Air Quality regulation and compliance
- £30,000 contribution towards the Council's Air Quality Action Plan
- Carbon off-set contribution of £1,413,731 for application A and £16,738 for Application B
- Financial contributions towards uplift in refuse and recycling collections
- Funding of flood defences

Legal considerations

97 The Mayor has the power to issue a direction to refuse Applications A and/or B under Article 6 of the Town and Country Planning (Mayor of London) Order 2008, or to issue a direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to act as the local planning authority for the purpose of determining the applications and any connected application. The Mayor may also leave the decisions to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. In order to issue a Direction that he is to act as the local planning authority the Mayor must be satisfied that the criteria set out in Article 7(1) of the 2008 Order are all fulfilled. In determining whether these criteria are fulfilled the Mayor is required to have regard to the matters set out in Article 7(3). He is also required to provide reasons for his decision. Those reasons must specify how the matters set out in Article 7(3) have affected his decision.

Financial considerations

98 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

99 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

100 Should the Mayor take over the applications he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any approval of details applications (unless the Council agrees to do so).

Conclusion

101 Having regard to the details of the applications and the development proposed, to the matters set out in Article 7(3) of the Order 2008, to the relevant planning issues, the Council's committee report and draft decisions, it is concluded that the nature and scale of the proposed development and the issues raised give rise to significant impacts on the implementation of the London Plan with respect to housing and affordable housing supply, and education. As set out above, there are sound planning reasons for the Mayor to intervene and issue a direction under Article 7 of the Order 2008.

for further information, contact GLA Planning Unit:

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MAYOR OF LONDON

Lucy Thatcher

Strategic Applications Manager
London Borough of Richmond upon Thames
Civic Centre
44 York Street
Twickenham
TW1 3BZ

Our ref: GLA/4172, 4172a & 4172b/02

Your ref: 18/0547/FUL, 18/0548/FUL & 18/0549/FUL

Date: 4 May 2020

Dear Ms Thatcher,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
Direction under Section 2A of the 1990 Act**

Former Stag Brewery, Mortlake

Local planning authority references: 18/0547/FUL, 18/0548/FUL & 18/0549/FUL

I refer to your correspondence of 22 April 2020 informing the Mayor that the local planning authority is minded to grant planning permission for applications ref: 18/0547/FUL ("Application A") and 18/0548/FUL ("Application B"), and refuse planning permission for application ref: 18/0549/FUL ("Application C"). I refer you also to the notices, dated 1 May 2020, under the provisions of article 5(1)(b)(i) of the above Order.

The Mayor has delegated his planning powers to me. Having now considered a report on these cases, reference GLA/4172, 4172a and 4172b (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that the Mayor will act as the local planning authority for the purposes of determining the above planning applications.

My reasons are as follows:

- a) The proposed development would have a significant impact on the implementation of the London Plan, as set out below and within the above-mentioned report; and
- b) There are sound planning reasons for my intervention, as set out below and within the above-mentioned report.

In my view, the proposed development has potential to make an important contribution to housing and affordable housing supply in response to London Plan policies 3.3 and 3.11, and education provision in response to London Plan

Policy 3.18. As such the development is of a nature and scale that it would have a significant impact on the implementation of the London Plan.

However, the Council's decision to approve development on this site that would deliver only 12-17% affordable housing, would exacerbate the Council's recent underperformance in delivering affordable housing and this warrants further consideration. Furthermore, the Council's decision to refuse Application C risks the highways impacts of the proposed development not being adequately mitigated, without these matters being further considered. Having regard to the above, I wish to fully consider these cases as the local planning authority. Application B, comprising the new secondary school and sixth form, comprises part of the wider redevelopment scheme and must therefore also be considered in conjunction with Applications A and C. In my view these are sound planning reasons that warrant my intervention.

In making this decision, I must also have regard to targets identified in development plans. As set out in the attached report, I recognise that Richmond Council has taken a positive approach to approving new homes in the borough during the last three years, and is currently performing well in securing planning approvals for additional housing relative to its annual targets. However, I note that the proportion of affordable housing secured relative to overall housing consented during this period is significantly below Richmond's Local Plan target of 50% and represents a significant undersupply of affordable housing in the pipeline.

The development represents EIA development for the purposes of the applicable Town and Country Planning (Environmental Impact Assessment) Regulations. I have taken the environmental information made available to date into consideration in formulating my decision.

I would be grateful if you could provide me, as soon as reasonably practicable, any information relevant to the applications that has not already been provided. In due course I will notify you of the date of the Representation Hearing, and I will consult you on any draft planning obligations and planning conditions.

Yours sincerely

A handwritten signature in dark ink, reading 'Jules Pipe', with a horizontal line underneath the name.

Jules Pipe CBE

Deputy Mayor for Planning, Regeneration and Skills

cc Tony Arbour, London Assembly Constituency Member
 Andrew Boff, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Lucinda Turner, TfL
 Neil Henderson, Gerald Eve LLP, 72 Welbeck Street, W1G 0AY