

Homebase, Manor Road, North Sheen

in the London Borough of Richmond upon Thames

planning application no. 19/0510/FUL

Planning application

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

Update

To consider any material changes to policy, planning guidance and site circumstances since the Mayor's resolution to grant planning permission on 1 October 2020 and to extend the time period for completion of the Section 106 legal agreement to 30 September 2022.

Recommendation

That the Mayor:

- i. Agrees that the policy and guidance changes since the Representation Hearing do not change the resolution to grant planning permission made on 1 October 2020. The proposal remains in overall conformity with the development plan. This report explains how the adoption of the London Plan and other developments in planning policy and guidance relate to the assessment of the key planning issues in the Representation Hearing Report.
- ii. Agrees that any changes to site circumstance or the surrounding area since the Representation Hearing or the consultation responses received do not materially affect the resolution to grant planning permission made on 1 October 2020.
- iii. Notes that minor changes to the scheme have been made and the results of the further consultations which have been undertaken and agrees that it is unnecessary to re-open the Representation Hearing.
- iv. Agrees to an extension of time for the completion of the Section 106 legal agreement until the 30 September 2022 (i.e. the period after which the Head of Development Management or the Executive Director of Good Growth have delegated authority to refer it back to the Mayor in order to refuse permission if the Section 106 legal agreement is not completed).

Context

- 1 On 1 October 2020 the Mayor resolved to grant conditional planning permission in respect of planning application 19/0510/FUL within the London Borough of

Richmond upon Thames, subject to the prior completion of a Section 106 legal agreement.

- 2 The Mayor also gave delegated authority for the Head of Development Management to negotiate the Section 106 legal agreement and gave delegated authority to refer it back to the Mayor to refuse permission should the Section 106 agreement not be completed by 8th January 2021.
- 3 The Secretary of State issued a holding direction on 15 September 2020 which was subsequently lifted on 14 January 2021.
- 4 Following the lifting of the SoS holding direction, slow progress has been made with the Section 106 agreement negotiations, but a draft legal agreement is substantially drafted. Since the Representation Hearing GLA officers have had to consider the implications on the scheme in response to a number of changes to policy including the adoption of the London Plan 2021, guidance and site circumstances. All the S106 obligations and conditions set out within the Representation Hearing Report and within this addendum report have been secured as set out within the draft 106 and draft conditions published with the Mayor's updated report.
- 5 Furthermore, since the Representation Hearing minor changes have been made to the scheme by the applicant including changes to the red line boundary of the site in October 2021 and there was further public consultation in November/December 2021 and January/February 2022. This is addressed further below.

Planning policy and guidance update

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

National Planning Policy Framework

- 7 A revised National Planning Policy Framework (NPPF) was published on 19 July 2021. Alongside minor changes, the new NPPF includes changes to the following areas (2021 NPPF paragraph numbers):
 - Paragraph 11(a) – reference to sustainable development addressing climate change in plan-making.
 - Paragraph 22 – Reference to new settlements or village extensions.
 - Paragraph 53 – Amended criteria to the use of Article 4 directions.
 - Paragraph 73 – Reference to well-designed and beautiful homes in housing delivery.
 - Paragraph 96 – Requirement for LPA's to work proactively and positively with public service infrastructure providers, such as further education colleges, hospitals and criminal justice accommodation.
 - Paragraph 110 – Reference to the new National Design Guide and the National Model Design Code.

- Paragraph 125 – Reference to area-based character assessments, design guides and codes, and masterplans in creating beautiful and sustainable places.
 - Part 12 – Reference to the new National Design Guide and the National Model Design Code for achieving well designed spaces, as well as tree planting.
 - Paragraphs 159-169 – Amendments to planning for flood risk and sustainable drainage.
 - Paragraph 198 – Need to consider the importance and retention of historic statues, plaques, memorials or monuments.
 - Subsequent Amendments to Annex 1 (Implementation) and Annex 3 (Flood risk vulnerability classification) to account for the above.
- 8 The application and the Representation Hearing Report have been considered against the above amendments to the 2021 NPPF. Relevant matters relating to design, tree planting, public service infrastructure, and flood risk and sustainable drainage were addressed in the Representation Hearing Report.
- 9 All aspects of the design of the scheme are considered in depth in paragraphs 162-304 of the Representation Hearing Report. The Report concluded that the proposals would ensure a distinctive and high-quality development which would contribute positively to this part of Richmond.
- 10 As required by the 2021 NPPF, the detailed components of the scheme would create high quality, beautiful and sustainable buildings and places that will function well and add to the overall quality of the area over the lifetime of the development. The Representation Hearing Report fully responds to the ten characteristics of well-designed places identified in the National Design Guide and the National Model Design Code.
- 11 The scheme would deliver infrastructure through contributions secured in the S106 Agreement, including towards healthcare facilities in the vicinity of the development, public open space, and public conveniences. It would also contribute over towards road safety improvements, stations improvements, and cycle infrastructure. The proposal will also be required to pay CIL in accordance with the Mayoral and LB Richmond levies taking into account the expected relief from the affordable housing floorspace.
- 12 The amendments to the NPPF are not considered to alter the recommendation outlined in the Representation Hearing Report. NPPF paragraph numbers in the Representation Hearing Report are those from the 2019 NPPF, which have been amended in the 2021 NPPF.

New London Plan

- 13 At the time of the Representation Hearing, the New London Plan was in Intend to Publish (ItP) form and had been sent to the Secretary of State (SoS) alongside a schedule of the Panel Inspector's post-EiP recommendations, and the Mayor's response to them. On 13 March 2020, the SoS issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) in response to

the Mayor's ItP London Plan and, to the extent that they were relevant to this particular application, they were taken into account by the Mayor as a material consideration when considering the Representation Hearing Report and the officer's recommendation in October 2020.

- 14 On 10 December 2020, the SoS issued a series of Updated Changes and two further Directions following the Representation Hearing into this case. In terms of the two further Directions under Section 337 of the Greater London Authority Act 1999 (as amended), Direction DR4 (specifically regarding updated para 6.4.8 under Policy E4 (Land for Industry)) is not considered to be specifically relevant to this particular application; however, Direction DR12 concerns Policy D9 (Tall Buildings) and is considered and discussed further below.
- 15 On 21 December 2020, the Mayor submitted to the SoS his Publication London Plan with amendments designed to address all Directions.
- 16 On 29 January 2021, the SoS confirmed that he had no further matters to raise and that the Publication London Plan (December 2020) conformed with the previous Directions and could now be published.
- 17 On 2 March 2021, the new London Plan was published (2021 London Plan). Accordingly, the Plan now has full statutory weight requiring an update to the assessment originally undertaken as the previous London Plan (2016) has been superseded.

Changes made through SoS Direction

- 18 SoS Direction DR12 regarding Policy D9 (Tall Buildings) primarily sought to ensure that tall buildings are only brought forward in appropriate and clearly defined areas, as determined by boroughs. Intend to Publish London Plan Policy D9(B3), which was considered at the October 2020 Representation Hearing, already stated that "Tall buildings should only be developed in locations that are identified in Development Plans", however, the SoS considered that the policy should go further and following his Direction, London Plan Policy D9(B3) now states that "Tall buildings should only be developed in locations that are identified as suitable in Development Plans". (the new words inserted as a result of the SoS's Direction are underlined and in italic). Policy D9 also identifies that boroughs should define what is considered a tall building for specific localities, which should not be less than 6 storeys or 18 metres; identify appropriate heights on maps in development plans. Supporting paragraph 3.9.3 states that "in large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context".
- 19 The Representation Hearing Report sets out at paragraphs 193–211 the policies for tall buildings. Considering the amended wording of Policy D9 following the SoS Direction and subsequent adoption of the London Plan, it is noted that the adopted local plan does not follow the prescriptive approach required by policy D9 – i.e. it does not identify areas as suitable for tall buildings. Richmond Council's Local Plan Policy LP 2 states that proposals for Tall or Taller Buildings require full design justification based on a comprehensive townscape appraisal and visual assessments. Following a thorough assessment of the proposal's impact it was

concluded within the Representation Hearing report that the proposal would accord with the criteria of Local Plan Policy LP 2.

- 20 In view of the Local Plan policy, which has not been drafted in the context of the 2021 London Plan, GLA officers consider that the application does not comply with Part B of Policy D9 as there are not areas designated “as suitable” for tall buildings within the Local Plan.
- 21 Part C of Policy D9 and the visual, functional, environmental, and cumulative impacts of the proposal have been impact assessed, as confirmed within paragraph 211, 219 – 221, and 301 of the Representation Hearing report. Nothing detailed within this update report changes the assessment carried out under part C of Policy D9 within the Representation Hearing report. The proposal would not harm views (criteria C1a), its location adjacent to the station and the proposed layout would aid in legibility and wayfinding (criteria C1b), would incorporate high quality architecture and materials (criteria C1c), avoid harm to heritage assets where possible and provide clear benefits to outweigh any harm (criteria C1d), would not harm any world heritage sites (criteria C1e), would not cause adverse glare (criteria C1g), and would be designed to minimise light pollution (criteria C1h).
- 22 In terms of functional impacts, internal and external design has been well-considered (criteria C2a), servicing arrangements are acceptable with appropriate mitigation (criteria C2b), the movement network and entrance capacity are well-considered (criteria C2c), the local transport capacity is sufficient (criteria C2d), and the scheme would not interfere with communications or renewable energy generation (criteria C2g). Environmental impacts are also acceptable (criteria C3) and cumulative impacts (criteria C4) have been appropriately considered. The absence of public access to upper floors (part D) is acceptable given the sites location and the extensive public realm and open space proposed. As such the application is in accordance with part C of Policy D9.
- 23 The position therefore is that the proposal does not conform with Policy D9 Part B as the envisaged process within the Local Plan for determining locations appropriate for tall buildings has not occurred. That said, the proposal accords with other aspects of Policy D9 and, as explained in the Representation Hearing Report generally accords with the relevant policies of Richmond’s Local Plan (LP1, LP2, LP8, LP16, LP 34, LP35, LP 36 and LP 37 among others). The proposed tall building is considered to be acceptable when the scheme is assessed against the development plan as a whole.

Changes to London Plan Guidance

- 24 The following supplementary planning guidance (SPG), strategies and other documents were revoked upon publication of the 2021 London Plan and are no longer relevant:
 - Culture and Night-Time Economy (November 2017)
 - Central Activities Zone (March 2016)
 - Sustainable Design and Construction SPG (April 2014)
 - Land for Industry and Transport SPG (September 2012)

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

- Public London Charter (October 2021)
- Be Seen' Energy Monitoring Guidance (September 2021)
- Circular Economy Statement Guidance (March 2022)
- Whole Life-Cycle Carbon Assessments (March 2022)

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

- Characterisation and Growth Strategies (February 2022)
- Optimising Site Capacity: A Design-led Approach (February 2022)
- Housing Design Standards (February 2022)
- Urban Greening Factor (September 2021)
- Sustainable Transport, Walking and Cycling (September 2021)
- Air Quality Positive (November 2021)
- Air Quality Neutral (November 2021)
- Fire Safety LPG (March 2022)
- Optimising Site Capacity: A Design-led Approach LPG (October 2020)
- Housing Design Standards LPG (October 2020)

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

Affordable housing

28 Paragraph 139 of the Representation Hearing Report states that the proposal is considered eligible for the Fast Track Route owing to the fact that the tenure split of the first 35 percent of the affordable housing offer comprised 60:40 London Affordable Rent to intermediate housing products. In that report the scheme was considered to comply with London Plan Policy 3.11 and the additional units were considered to satisfy Intend to Publish London Plan Policy H6(B).

29 London Plan H6 instructs that affordable housing provisions should be split along the following tenure lines: minimum of 30 percent low-cost rented homes, a minimum of 30 percent intermediate products, and the remaining 40 percent to be determined by the borough as low-cost or intermediate. Paragraph B of that policy establishes that to follow the Fast Track Route 35 percent of homes must meet those tenure mix requirements. The tenure of any affordable homes provided in exceedance of the 35 percent is flexible (provided that the homes are genuinely affordable) and should consider the need to maximise the affordable housing provision along with any preference of applicants to propose a particular tenure.

30 In response, amendments were made to the affordable housing tenure split to increase the proportion of London Affordable Rent (LAR) units within the affordable housing provision. In total, 18 units (43 habitable rooms) in Block C were identified to be switched from London Living Rent (LLR) to LAR. The size mix of the 18 units is demonstrated below in Table 1.

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

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

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

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

Table 2 - Changes to the affordable housing tenure mix

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

33 The revised affordable housing offer would require the full use of Mayoral grant funding and is therefore based on the inclusion of grant at £28,000 per unit for the shared ownership and London Living Rent units and £60,000 per London Affordable Rent unit. This equates to a total of approximately £8.14 million, whereas at the time of the Representation Hearing the level of grant was approximately £7.532 million. To qualify for this level of grant the applicant has entered a joint venture with RHP who are a registered housing provider.

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

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

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

Inclusive design

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

Site boundary

36 The applicant submitted a realignment of the application site boundary to better reflect existing ownership (title) plans (insert date). This resulted in a reduction of 768.7 sq.m. in the overall site area. The amendments are shown below in Figure 1; the previous site boundary is shown in blue, and the revised site boundary is shown in red.



Figure 1- Site boundary changes

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

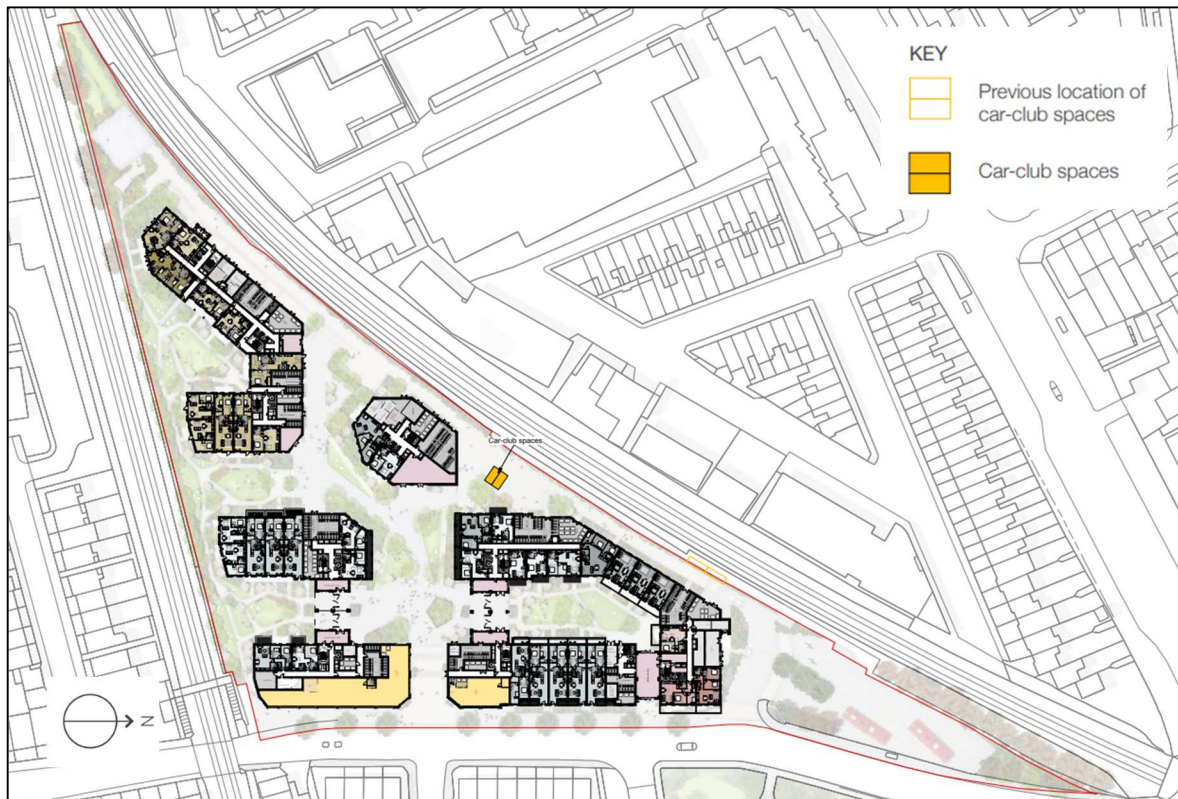


Figure 2 - Ground level plan showing relocated car club spaces

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

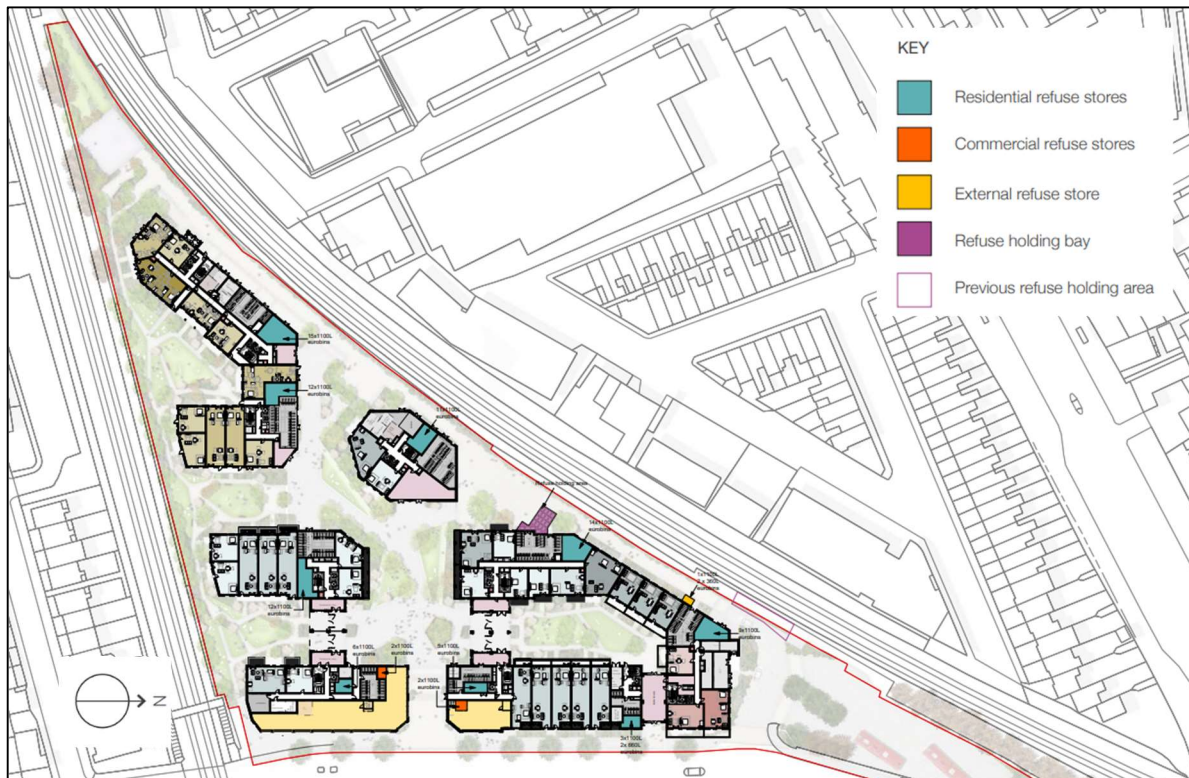


Figure 3 - Ground level plan showing the relocated refuse areas

Carbon offset

- 39 Paragraph 311 of the Representation Hearing Report states that in accordance with London Plan Policy 5.2 a contribution towards Richmond's carbon offset fund is required to meet the zero-carbon target for the residential element of the scheme. Consequently, a contribution of £423,000 index-linked to offset the shortfall of the residential component of the development was to be secured within the S106.
- 40 In that same paragraph it was advised that should the Intend to Publish London Plan be adopted prior to a decision on this application, the offset payment required would increase to reflect changes to the carbon offset charge for the residential units along with the inclusion of commercial floorspace within policy.
- 41 Accordingly, contributions of £17,000 and £617,000 have now been secured in the S106 to offset the carbon shortfall for the commercial and residential elements of the scheme, respectively.

Ecology and Urban Green Factor (UGF)

- 42 The most recent Phase 1 survey was completed in January 2019. Given the age of the data, The Chartered Institute of Ecology and Environmental Management notes that best practice would be to provide an update. For this reason, a condition has been secured to update the baseline ecological information to both update the biodiversity net gain calculation and inform proposed enhancement measures.
- 43 Policy G1 and G5 of the London Plan seeks green infrastructure to be incorporated within the development recognising urban greening as a fundamental element of a

site and building design. The proposed conditions are suitable to secure the proposed green roofs, biodiversity requirements, landscaping details, lighting requirements and bat surveys / mitigation as required by the London Plan. It is noted that there are some inconsistencies in the revised application documents in relation to the proposed green/brown roofs/landscaping. However, planning conditions securing the details of the green/brown roofs, a landscaping scheme and the UGF score will be considered further by the Local Planning Authority at a later stage and, as such, can be delivered to an acceptable standard.

- 44 The draft London Plan Guidance on UGF requires that UGF scores should be set out in Local Plans. Where Local Plans do not have UGF scores, the London Plan UGF scores of 0.4 for predominately residential and 0.3 for predominately commercial developments should be applied. A condition is included which secures a UGF score of 0.4.

Richmond Council Policy

- 45 The Council's adopted Local Plan has not changed since the original resolution was made. The Council are however in the process of preparing a new Local Plan and consulting on their pre-publication draft (regulation 18) which is a material consideration. The weight that can be placed on the emerging plan is limited due to the early stage of process that it is at and the fact that it is subject to consultation and has not been considered at an examination in public. The new Local Plan includes a new site allocation, Site Allocation 28, for the Homebase site. This allocation supports comprehensive, residential-led redevelopment of the site with a flexible range of other uses including retail, office, and community/social. This will include the provision of high-quality public realm, improvements to permeability and the Manor Road street frontage, to integrate the development into the surrounding area. An Urban Design Study published in December 2021 forms part of the evidence base for the new Local Plan and includes a height study for the wider North Seen, Lower Richmond Road area. This study identifies the area as a tall- and mid-rise building zone, acknowledges the Mayor's grant of permission for buildings up to 11 storeys on the Homebase site, and indicates that heights up to eight storeys could be appropriate should the site come forward again in the future. The pre-publication draft concluded public consultation on 31 January 2022; however, the Regulation 19 version has not yet been published. For this reason, officers' view is that the weight to be given to the document is limited. In addition, the Council have not published any relevant new local Supplementary Planning Documents or Guidance since the Representation Hearing.

Changes to planning conditions and Section 106 obligations

- 46 Following the publication of the new London Plan (March 2021) the previously referred to draft policies now form part of the development plan and as such attract full weight as part of the statutory development plan. Where required by new policy, additional planning conditions (Annex 1 – Draft Decision Notices) and section 106 obligations (Annex 2 – Draft Section 106 agreement) have been secured.
- 47 The S106 obligations will ensure that the principles of public access to the public spaces will be secured, in line with the draft Public London Charter and Policy D8 (part H). Policy D8 (part O) requires the provision and future management of free

drinking water at appropriate locations in new or redeveloped public realm. A condition secures the provision and future management of free drinking water in the public realm.

- 48 Policy D12 (part B) requires submissions of a Fire Statement produced by a third party, suitably qualified assessor. As referenced in paragraph 260 of the Representation Hearing Report, this was provided. The fire safety strategy would be considered at a later stage outside of the planning process and also secured through planning condition.
- 49 Policy SI2 requires major development proposals to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy; verify and report on energy performance; and calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment; and demonstrate actions taken to reduce life-cycle carbon emissions. The zero-carbon target has been secured through carbon offset contributions as part of the Section 106 agreement and a clause is provided which requires 'Be Seen' energy performance indicators to be submitted to the GLA's Energy Monitoring Portal within 10 weeks of approval. Additionally, a Whole Life Cycle Carbon Assessment was submitted and a condition for the submission of post-construction details in line with the Whole Lifecycle Carbon Assessment Guidance has been secured. As such, the proposals meet the requirements of Policy SI2 of the London Plan.
- 50 Policy SI6 of the 2021 London Plan requires several measures to ensure London's global competitiveness, including the provision of sufficient ducting space for full fibre connectivity infrastructure and providing for mobile connectivity. The applicant has submitted a Digital Connectivity Note and a condition has been applied requiring detailed plans to be submitted and approved by the local planning authority prior to commencement demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure.
- 51 Policy SI7 of the 2021 London Plan requires a Circular Economy Statement to be submitted. As referenced in the Representation Hearing Report, this was provided, and conditions have been applied requiring a detailed Circular Economy Statement and Waste Management Strategy. This is also acceptable for the revised scheme resulting from minor changes to the site boundary.
- 52 In addition, as stated above, the tenure mix of affordable housing has also changed and this is now reflected in the revised s106 drafting.

Changes to site circumstances and surrounding area

PTAL

- 53 Paragraph 11 the Representation Hearing Report states that the Public Transport Access Level (PTAL) of the site is 5 on a scale of 0-6b, where 6b is the highest. This reporting was accurate at the time of the Representation Hearing.
- 54 Following the Representation Hearing there have been changes to the bus network in the vicinity of the site which came into effect on the 12 December 2020. These changes were to address surplus capacity and reallocate resources where

additional capacity is needed as confirmed by TfL. As a result of these changes the PTAL of the site was reduced to 4.

- 55 Following a reassessment of bus network capacity, officers are satisfied that there is still sufficient spare capacity on the revised network to accommodate the uplift in demand that would be generated by the proposed development.
- 56 In 2021 South West Trains consulted on timetable changes impacting services via North Sheen station which was proposed to come into effect in December 2022. The changes would result in a reduction of two off peak trains per hour stopping at North Sheen. There are no timetable changes proposed during the peak hour. The PTAL calculation is based on the frequency of services within the morning peak hour of service, therefore a reduction in two off-peak trains per hour will have no impact on the site PTAL which will remain as 4. South West Trains have confirmed that no decision has been made regarding the consulted changes and their potential implementation.
- 57 London Plan Policy T6 instructs that car parking should be restricted in line with levels of existing and future public transport access and connectivity and that car-free should be the starting point for all development proposals in places that are well connected by public transport.
- 58 The parking standards state that development within PTAL 5 should be car free compared to PTAL 4 where the maximum parking standards are between 0.5 and 0.75 spaces per residential unit. Whilst the change in PTAL from 5 to 4 does result in the application being assessed against a different car parking standard, these are maximum standards and the site is still well connected to public transport with access to 10 daytime bus routes and rail services. Additionally, taking into account the relationship between car parking and car usage, air quality and local congestion, the car free nature of the development, as currently proposed, is considered appropriate at this location. PTAL is not used in the assessment of any other transport elements and therefore the proposals remain acceptable in relation to transport matters.

Other material considerations

First Homes

- 59 On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. First Homes are a Discount Market Sale (DMS) housing product which meet the NPPF definition of affordable housing. To qualify as First Homes within London, homes should have a minimum 30 percent discount to market value secured in perpetuity through S106 agreement. On first sale, these homes must have a purchase price that does not exceed £420,000 after the discount has been applied. First Homes are to be sold to first time buyers with an annual gross household income no greater than £90,000. A minimum of 50 percent of the purchase price must be met through obtaining a mortgage. The WMS states that a minimum of 25 percent of all affordable housing units secured through developer contributions should be First Homes.
- 60 First Homes is a national policy requirement, like others set out in the NPPF or introduced through Written Ministerial Statements. This means that the First Homes

requirement is a material consideration for decision makers to consider alongside policies of the Development Plan and any other relevant material considerations. However, the WMS does not alter the position of the Development Plan as the starting point for decision-taking.

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

Consultation update

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

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

64 Since the Representation Hearing on 1 October 2020, six letters/emails were received from consultees. These are summarised below:

- Ecology Policy and Planning, Richmond and Wandsworth Councils – No objection subject to conditions.
- Environment Agency – previous comments/conditions unchanged

- London Borough of Richmond upon Thames – continue to object to the scheme on the basis of design and height, wheelchair housing, affordable housing, residential standards and amenity, transport, waste, flooding, energy, and ecology. A copy of their letter is attached at Annex 3.
- London Underground/DLR Infrastructure Protection – no comment
- Natural England – no objection, previous comments unchanged
- Thames Water – No objection subject to conditions.

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

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

67 With reference to flooding, this is considered in detail within the Representation Hearing Report and that analysis is still relevant. In addition, a condition will secure an updated Flood Risk Assessment and Drainage Strategy is submitted to the Council for approval. LB Richmond have stated that a sequential test is required. However, the site is allocated and this is therefore not required in line with the NPPF. LB Richmond have also requested completion of their Sustainable Drainage Proforma and Basement Screening Assessment but these matters can be secured by condition. Lastly, in relation to Flood Emergency Plans, whilst the submitted Flood Risk Assessment doesn't identify a need for such a plan, given the request we are able to secure this matter through a pre-occupation planning condition. Where necessary Flood Emergency Plan's should be provided to users of a building to ensure they remain safe and they often contain practical guidance and safety information that needs to be based on final/as built building information.

Representation update

68 Since the Representation Hearing on 1 October 2020, 615 letters/emails of objection and five letters/emails of support have been received which have raised the following comments:

Objection:

Transport

- Not enough EV charging facilities proposed
- Parking stress survey too limited
- Insufficient public transport capacity
- Insufficient parking

- Car-free design is unrealistic
- Would exacerbate existing problems with the level crossing
- Bike and pedestrian congestion, insufficient bike and pedestrian infrastructure
- Traffic congestion and pollution
- Insufficient design/capacity of North Sheen Station and the financial contribution offered is inadequate
- Inadequate cycle parking proposed
- Two car club spaces are inadequate
- Southwest trains are reducing the service from North Sheen Station which should be taken into account.
- Local bus services have been reduced
- Would exacerbate problems of rat-running off the A316
- Travel Plan is of little value
- Traffic congestion will impact on air quality and the health and safety of residents

Land use

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

Design, neighbouring amenity, and heritage

- Inappropriate location for a tall building
- Too large
- Unattractive
- Loss of light/overshadowing to nearby properties.
- One resident raised concerns that the harm from overshadowing and loss of daylight to their home will exacerbate family members' disabilities. Their home is their 'safe zone' and sanctuary so any impact should be given greater weight
- Detrimental impact on neighbourhood character, skyline
- Harmful impact on heritage assets and interrupt views including from Kew Gardens

- May contribute to antisocial behaviour and light pollution
- Loss of privacy for adjoining streets
- Negative wind impact
- Not enough green space
- Views within the Townscape and Visual Impact Assessment are inadequate
- Quality life of future and nearby residents will be poor
- Following covid easy access to outside space and adequate space within the home is more important. The current proposal is inadequate in this regard.

Sustainability and green infrastructure

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

Other

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

Support:

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

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

70 All those that requested to speak at the Representation Hearing; anyone who has asked for clarification on the next steps in the decision-making process; the Council; and the Applicant have all been notified of the process for determination of the application. All those notified have been provided with a link to this report which has

been published on the GLA's website together with a copy of the proposed draft section 106 legal agreement and draft planning conditions 14 days in advance of any consideration of this matter.

- 71 Having considered the changes to the London Plan / guidance as set out within this report and having considered the responses from the further consultation/renotification carried out and the changes to the scheme, officers considered that there was nothing to warrant having a further Representation Hearing. The material planning issues were addressed in the Representations Hearing Report and at the Representation Hearing.

Legal considerations

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

Planning balance

- 73 As discussed above, the 2016 London Plan that was in place at the time of the Representation Hearing has now been superseded by the adoption of the London Plan 2021. As well as the adoption of the new London Plan and the policies within it now having full weight, the key changes to the wording of the policies are set out above. Further consideration of additional/amended conditions and/or Section 106 obligations to ensure compliance with other requirements of the 2021 London Plan and other guidance documents are also addressed in this report. This update report has also considered any changes to site circumstances and the surrounding area (PTAL, site boundary changes, refuse/recycling and car club spaces) and this has not altered officers' conclusions set out in the Representation Hearing Report.
- 74 The Representation Hearing Report concluded that the proposal conforms overall with the development plan. When considering the proposals, GLA officers applied the approach in Section 16 of the NPPF and required by the statutory duties relevant to the protection of heritage assets.
- 75 As discussed above, whilst the application does not comply with Part B of policy D9 in respect of the principle of the tall buildings proposed in this location. When considering the application as a whole and all the policy and material considerations set out in the Representation Hearing Report and this update report the scheme is considered to be in overall conformity with the development plan and acceptable. As such, it remains the view of GLA officers that planning permission should be granted for the reasons given.

Conclusion and officer recommendation

- 76 The Mayor, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic, and local planning policy, relevant supplementary planning guidance, and all material planning considerations. He has also had regard to the comments of the Council and all consultation responses and representations made on the case both to the Council

and the GLA. Accordingly, the recommendations at the beginning of this report are proposed.

Annexes

Annex 1 – Draft Decision Notice

Annex 2 – Draft Section 106 Agreement

Annex 3 – LB Richmond letter dated 23 December 2021

Decision record – recommendation agreed/refused

Sadiq Khan
Mayor of London

for further information, contact GLA Planning Unit:

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

Richard Green, Special Projects Team Leader

email: richard.green@london.gov.uk
