

On behalf of our client Melliss Ave Devco Limited (in Administration) acting by its Joint Administrators, Savills have been instructed to submit a representation to the London Borough of Richmond Upon Thames Draft Local Plan: Regulation 19, in relation to Proposed Site Allocation 32: Kew Biothane Plant, Melliss Avenue, Kew.

Context

The site was given planning approval in 2018 for the Demolition of existing buildings and structures, and redevelopment of the site to provide a 4-6 storey specialist extra care facility for the elderly with existing health conditions, comprising of 88 units, communal healthcare, therapy, leisure, and social facilities (including a restaurant/bar/cafe and swimming pool). Provision of car and cycle parking, associated landscaping, and publicly accessible amenity space including a children's play area.

In justifying the grant of planning permission, Council Officers needed to carefully consider two key matters (amongst others): the impact on Metropolitan Open Land and the form of housing proposed, which in this case was extra care housing. Please refer to the committee report.

Regarding Metropolitan Open Land, the building approved in the 2018 permission partially encroached into MOL. The Council took the view that, due to its mass and height, the development would cause harm to the character, openness of MOL, and the area generally. The Council then acknowledged the significant benefits that would be delivered by this extra care development, and these need to be afforded significant weight. In this case, the package of benefits on offer constituted "very special circumstances" that justified the acceptability of development.

As far as extra care housing, planning officers recognised in the 2018 permission that:

(Committee Report para 9.36)

"Richmond has an ageing population with increasing levels of disability and frailty. The borough has the highest proportion of people aged over 75 and living alone in London and there are increasing numbers of older people living at home with long term physical and mental conditions such as dementia...."

(Committee Report para 9.37)

"The applicant's data highlights that the London Borough of Richmond upon Thames has the highest proportion of older people living alone in Greater London, with over 76% owning their own homes."

(Committee Report para 9.40)

"... while private extra care housing (particularly of this scale and without any mix of tenure) is not identified as a priority local housing need, the need to provide housing options for older people is recognised. The Local Plan recognises at para 8.3.9 in the supporting text to policy LP30 'Health and Wellbeing' that planning can play a role in the creation of environments and a public realm that are inclusive and accessible for the older population, including for those with dementia. The need to provide opportunities to enable older people to downsize is recognised in policy LP35 'Housing Mix and Standards'.

Modifications Sought

Within mind the planning context, including the Council's reasons for granting the 2018 permission, the fact that circumstances have not markedly shifted since 2018, as well as how the proposed site allocation vision relates directly to Local Plan policy, we suggest that the following changes are made to the Site's Vision:

Range of Housing

The Council will support redevelopment of this site to provide for residential uses, including affordable housing, and associated open space provision.

To

The Council will support redevelopment of this site to provide for residential uses. This may comprise a range of housing to meet specific community needs, and includes affordable housing, and associated open space provision.

This change is needed so that the vision is consistent with Local Plan Policy 12 - Housing Needs of Different Groups

Policy 12 Part – B states that *“planning permission will be granted for new accommodation where housing is providing for an identified local need, across a range of tenures, providing they are on a site and in a location suitable for that particular use, and in accordance with environmental, transport, parking and other relevant policies.”*

And in justification paragraph 17.44

“The Council's identified priorities for new specialist housing development, at the time of writing, include:

-Extra care and supported living provision including developing more specialist provision for service users with complex, high-level needs and challenging.”

We are therefore of the view that the Site Vision needs to be adapted as per the above, so that a range of housing types that reflect community needs can come forward.

Metropolitan Open Land

- *Parts of the site are designated as MOL and development in this area would not be acceptable. There is an expectation that any redevelopment proposal improves the character and openness of the MOL.*

To

- Parts of the site are designated as MOL and development in this area would not be acceptable unless very special circumstances would outweigh harm to the Metropolitan Open Land.

The vision of the site as written within the allocation goes beyond the council's own policy position for Metropolitan Open Land and is entirely unreasonable. We take this view from reviewing proposed Policy 35 - Green Belt, Metropolitan Open Land and Local Green Space.

Policy 35 - Part A states the following :

The borough's Green Belt and Metropolitan Open Land will be protected and retained in predominantly open use. Inappropriate development will be refused unless 'very special circumstances' can be robustly demonstrated that clearly outweigh the harm to the Green Belt or Metropolitan Open Land.

Policy 35 is therefore written to provide a degree of flexibility towards building on Metropolitan Open Land where 'very special circumstances' outweigh harm. However, the Site Vision is written so that it closes off 'very special circumstances' from being considered in the planning assessment. Therefore, should a future development be proposed that creates significant benefits, the decision maker would be unable to balance benefits against potential harm. This is not reasonable and therefore the Site Vision should be corrected to align with Policy 35.

The vision then goes to state –

There is an expectation that any redevelopment proposal improves the character and openness of the MOL.

Again, this is an unreasonable requirement that does not align with Policy 35.

Policy Part C, is written as follows:

- Very special circumstances' must result in the improvement and enhancement of the openness, character and use of the Green Belt and Metropolitan Open Land. Measures could include improvements or enhancements to landscape quality (including visual amenity), biodiversity (including delivering biodiversity net gain) or accessibility.

As per the policy above, improvements to the character and openness of Open Space is only a requirement in situations where 'very special circumstances' apply. The Site Vision is therefore going beyond Policy 35 requirements and is unreasonable, because:

a – it does not allow proposals even when 'Very Special Circumstances' apply (which we maintain is unreasonable).

b – In addition, a development which does not trigger 'Very Special Circumstances' would still have an expectation according to the site vision to improve the character and openness of MOL. This is clearly unreasonable given that as per policy 35, improvements to the character and openness of MOL is only a requirement in a situation where 'very special circumstances' apply.

The amendments to the Site Vision, as proposed above, are therefore needed to be consistent with Local Plan Policy 35 - Green Belt, Metropolitan Open Land and Local Green Space.



Local Plan Publication Consultation

From 9 June 2023 to 24 July 2023

RESPONSE FORM

The Council is inviting comments on the Publication version of the Local Plan.

The Local Plan sets out a 15-year strategic vision, objectives and the spatial strategy. The draft Plan includes place-based strategies covering the whole borough, along with accompanying site allocations, as well as the thematic planning policies that will guide future development in the borough. It will inform how growth will be accommodated across the borough. The draft Plan seeks to address future challenges including climate change, health, affordability and liveability.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes available on the website (via the link below).

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: www.richmond.gov.uk/draft_local_plan_publication_version

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to LocalPlan@richmond.gov.uk
- Post a hard copy of the form to Spatial Planning and Design, LB Richmond upon Thames, Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

Alternatively, you can make comments on the draft Local Plan **online via our Consultation Portal**, which is accessible at the website listed above.

All responses must be received by 11:59pm on Monday 24 July 2023. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

This form has two parts:

- Part A – Personal details and about you
- Part B – Your detailed response(s).

Part A: Personal Details

	1. Personal Details *	2. Agent's Details (if applicable)
Title	-	Mr
First name	-	Jourdan
Last name	-	Alexander
Job title (where relevant)	-	Planner
Organisation (where relevant)	Melliss Ave Devco Limited (in Administration) c/o RSM	Savills
Address	████████████████████	████████████████████
Postcode	██████████	██████████
Telephone	c/o Agent	██████████
E-mail address	c/o Agent	jourdan.alexander@savills.com

*If an agent is appointed, please complete only the title, name and organisation boxes but complete the full contact details of the agent.

Data protection

The Council is committed to ensuring that personal data is processed in line with the General Data Protection Regulation (GDPR) data protection principles including keeping data secure.

The Council's Privacy Notice is published on the webpage www.richmond.gov.uk/data_protection

All responses will be held by the London Borough of Richmond upon Thames. Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

If you submit comments, the consultation responses and your personal data will be passed to the Planning Inspectorate and a Programme Officer. The Programme Officer manages the procedural and administrative aspects of the examination. The Programme Officer will contact you using the personal information you have provided if you have indicated in the response form your wish to engage in the Examination.

Part B: Your Response

3. To which part(s) of the draft Local Plan does your response relate to?

Please indicate the documents **and** the specific paragraph numbers, policy or site allocation numbers and names, maps or tables you are commenting on.

Documents		Sections	
Publication Local Plan (including changes to the Policies Map designations)	<input checked="" type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
		Policy no./name	
		Place-based strategy	
		Site Allocation(s) no./ name	32: Kew Biothane Plant, Melliss Avenue, Kew.
		Maps	
		Tables	
Sustainability Appraisal Report	<input type="checkbox"/>	Page number(s)	
		Paragraph number(s)	
Other (for example an omission or alternative approach)	<input type="checkbox"/>		

4. Do you consider the Local Plan is:

4.1 Legally compliant	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the Duty to Co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Further information on these terms is included within the accompanying guidance note, which can be found on the website at www.richmond.gov.uk/draft_local_plan_publication_version

If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.

5. Do you consider the Local Plan is unsound because it is not:

5.1 Positively Prepared	<input type="checkbox"/>
5.2 Justified	<input checked="" type="checkbox"/>
5.3 Effective	<input checked="" type="checkbox"/>
5.4 Consistent with national policy	<input type="checkbox"/>

6. Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

As set out in the submission below.

Please continue on a separate sheet / expand box if necessary.

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 6 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please continue on a separate sheet / expand box if necessary.

8. Do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

No, I do not wish to participate
In hearing session(s)

Yes, I wish to participate
In hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

We wish to have the opportunity to attend given that it will allow our client to articulate the concerns raised towards the Site Allocation with the Inspector.

Please continue on a separate sheet / expand box if necessary.

10. If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:
For electronic responses a typed signature is acceptable.

J. Alexander

Date:

24/07/2023