

LONDON BOROUGH OF RICHMOND UPON THAMES

CABINET

Agenda Item No.

21

DATE: 11 NOVEMBER 2003

REPORT OF: CHIEF EXECUTIVE

SUBJECT: TWICKENHAM RIVERSIDE

WARDS: TWICKENHAM RIVERSIDE

KEY DECISION? N

1. Summary

This report provides an update on developments relating to Twickenham Riverside. Namely:

- the decision by the Secretary of State to call-in the Council's planning application for the interim scheme on the Twickenham Riverside site for his own determination and to hold a local inquiry;
- outcome of initial research on the concept of a temporary café featuring accessible public lavatories and baby change facilities – as an addition to the interim scheme;
- requests that authority be delegated to the Chief Executive to explore the potential for a further planning application for the above – but only if this would not cause significant delay; and
- a revised overall timetable for the redevelopment of Twickenham Riverside – including the Twickenham Challenge.

2. Recommendations

That the Cabinet:

- 2.1 Confirm the decision to proceed with the current application for an interim scheme on the Twickenham Riverside site and authorise further preparations for the local inquiry.**
- 2.2 Note the decision of the Secretary of State and the Council's initial preparations for the inquiry (section 3.2 to 3.8).**
- 2.3 Note the initial research into the feasibility of the temporary café/lavatories and baby change facilities as additions to the short-term scheme (section 4).**
- 2.4 Consider whether to delegate authority to the Chief Executive to submit a further planning application for the café, etc, if this would not cause undue delay to the local inquiry for the original planning application and subject to an appropriate risk appraisal**

(sections 4.3 to 4.6). If agreed, to note the financial implications of providing the café etc (section 7.3).

2.5 Note the revised timetable for the longer-term redevelopment of Twickenham Riverside.

3. Local Inquiry

3.1 On 31 July, the Planning Committee resolved that it was minded to grant consent to the planning application for the interim scheme and that it did not object to the Conservation Area Consent (CAC) demolition application for the changing room building. Since the scheme involved a Council application for demolition in a conservation area, jurisdiction for the demolition consent is the preserve of the Secretary of State. The Government Office for London (GOL) had also issued a holding notice to the Planning Authority on the planning application for the Twickenham Pool Site. On the basis of the information provided to Cabinet previously, it was always a possibility that the planning process for the short-term scheme might be extended.

3.2 On 29 September, the Development Control Section received a letter from GOL advising that the Secretary of State had decided to call in the planning application for his own determination and to hold a local planning inquiry. The notification letter is attached at **APPENDIX A**.

3.3 The letter states that on the basis of the information then before him, the Secretary of State considered that the proposals may raise issues which conflict with government guidance for Conservation Areas (in Planning Policy PPG15). The issues which the Secretary of State wishes, in particular, to be informed about in reaching his decision are:

- whether the proposed development would prejudice proposals for the redevelopment of the former Swimming Pool site as a whole.
- the relationship of the proposal to government policy advice in PPG15 and in particular whether the proposal would preserve or enhance the character or appearance of the Conservation Area and whether the demolition should be permitted in the absence of acceptable and detailed proposals for redevelopment of the site as a whole.
- the relationship of the proposed development to policies in the Unitary Development Plan and the emerging Unitary Development Plan.'

3.4 Generally, it is the policy of the Secretary of State to be selective in calling-in applications for his own determination. The level of public interest and controversy which has surrounded this particular site may have contributed to the decision to call-in this application. For example, GOL had received a number of submissions in advance of the call-in decision.

3.5 The function of the inquiry is to give consideration to evidence put forward by the proponents of the scheme and those who may object to it with particular regard to the issues identified by the Secretary of State (in paragraph 3.3 above). Following the inquiry, the planning inspector will report to the Secretary of State and give his or her recommendations on whether permission should be granted. (Members will be aware that whilst the

Secretary of State is not bound to follow the inspector's recommendations, it is not typical for the Secretary of State to go against such recommendations)

- 3.6 The immediate tasks for the Council relate to the preparation of Statements of Case, which will identify (in broad terms) the matters which the Council will wish to put to the inquiry in support of its case. This is due to be submitted by 10 November and this notification will include details of any statutory third parties for the purposes of the inquiry.
- 3.7 The timing of the inquiry is mainly in the hands of the Planning Inspectorate (PINS). The Council is currently receiving dates for inquiries for early May 2004. PINS will now be seeking an appropriately qualified and experienced Inspector for this call-in inquiry and should soon provide the Council with an initial date option. The Council is allowed one refusal of a date offered and consequently must accept the second date offered. If required an oral update can be provided at this meeting.
- 3.8 The Council is also now considering its overall approach to the inquiry and the key proofs and witnesses to be called. The Cabinet is advised that it will be necessary to appoint expert witnesses in a number of areas as well as counsel to the inquiry. On the advice of the Legal and Environment Departments, counsel has been retained.
- 3.9 At the time of drafting, the cost implications of these requirements cannot be predicted with certainty (and, since time is of the essence, some initial discussion with experts has already been necessary to define the appropriate scope of the exercise). A reasonable assumption is that the total costs to the Council of pursuing this inquiry will not exceed £60,000 – to include counsel, expert witnesses in appropriate disciplines and ancillary costs. However, this assumes a quite focused inquiry that addresses itself to the points the Secretary of State has identified as being of interest. If any third party to the inquiry were to introduce material of a broader scope, this may entail a correspondingly higher cost.
- 3.10 Cabinet has previously authorised expenditure of £480,000 for the construction costs of the short-term scheme. The costs of pursuing the inquiry can be met from this budget. If the inquiry results in the grant of planning consent, it will be necessary for Cabinet to authorise further expenditure to cover the construction costs of the short-term scheme. If, for any reason, the total costs for pursuing the inquiry are predicted to exceed £60,000 a further report to Cabinet will detail the reasons.
- 3.11 As for the overall cost implications of a delay, the report to Cabinet in July 2003 advised that capital costs would increase if there were delay to the grant of planning permission and/or due to the impact of conditions attached to planning consent. Whilst the Planning Committee agreed a number of conditions for the short-term scheme, it is open to the inquiry inspector to impose similar and/or additional conditions if recommending the grant of planning permission. On overall capital costs, if planning permission is granted, the key factor will be an uplift for build cost inflation and planning conditions.
- 3.12 Once the planning position is more definite in these respects, revised cost estimates will be reported to Cabinet.

4. Temporary café, lavatories and baby change facilities

4.1 July 2003 Cabinet agreed (subject to the grant of planning permission – local and GOL) to research into the concept of a relocatable facility providing the above amenities. Contact has been made with several manufacturers of appropriate modular facilities and the appropriate expertise is readily available.

4.2 Since planning permission has not actually been granted for the interim scheme (and to minimise potentially wasted costs), only initial exploratory work has been undertaken at this stage. However, the table below provides a summary of findings so far

Area of inquiry	Any cost implications or pertinent observations	Conclusion
Capital cost of construction (At September 2003 cost base)	£60,000	The expected life of an appropriate facility is at least 30 years (subject to relocation after 5 years), appropriately maintained and refurbished mid way.
Cost of fitting out (At September 2003 cost base)	£10,000	This is to provide a level of finish and equipment which will make the café, baby change and WC facilities attractive to both operators and users. It may in fact be less (due to operator preference for finish/fit out)
Cost of laying on services, site modifications and terrace overlooking the Thames (At September 2003 cost base)	£30,000	This is to reinstate dilapidated water and electrical services at the Twickenham Pool area, to provide minor structural reinforcement and construct a terrace overlooking the Thames
Level of specification	Captured in above costs	The initial design proposed to July 2003 Cabinet would be modified to improve views of the playground and the river from the facility.
Secondary locations for usage	There would be separate costs for relocation in the future - for removal of the facility, disconnection of services and connection to services at secondary location	There are several locations where the facility could be reused which would also be compatible with the Council's open space strategy/providing increased amenity at secondary locations <ul style="list-style-type: none"> • Richmond Riverside (in area of Connexions Boat) • Cambridge Gardens • The emerging Open Space Strategy would also support consideration of further locations as the strategy is implemented

Market interest in operating the facility (including responsibility for opening/closing and maintenance of lavatories etc.	The July report envisaged that the Council would seek a concession, which obliged the operator to take on opening/closing maintenance/cleaning of the facility. A local agent (experienced in such matters) has taken informal soundings with operators.	There is confirmed market interest in this proposal (location, principles of concession etc).
--	--	---

- 4.3 Had planning consent been granted at this stage, more detailed research would be provided to Cabinet in each of the above areas. However, initial feedback is that the principle of the proposal is sound. If it were to be implemented, it would also enhance the short-term scheme at Twickenham Riverside, and provide significant public benefits at a secondary location once a long-term scheme is implemented. There was discussion at the Planning Committee (July 31 2003) of the principle of cafes and toilets in relation to a short-term scheme. Generally, the Planning Committee (and a number of residents who spoke at the meeting) seem to support the principle of the café and lavatories.
- 4.4 Therefore, on the basis of the above information and the revised overall programme (at section 5.3) Cabinet is requested to consider whether it wishes to delegate authority to the Chief Executive to submit a planning application for the temporary café (etc). However, this should be subject to this causing no undue delay to the inquiry scheduled for the short-term scheme and also to consideration of the risks which might apply to the decision to submit an application. In summary, the issues to be considered if this is pursued will include:
- The necessity or otherwise for a separate planning application – and the timing of it as this would relate to the local inquiry for the short-term scheme
 - The scope (or otherwise) for this proposal to be considered coterminously with the original interim application in the same local inquiry
 - General risk/cost/benefit analysis – e.g. if consideration of a separate application were only undertaken if planning permission were granted at the local inquiry for the underlying interim scheme
- 4.5 Distinct from more detailed consideration of the above points, the feasibility of this approach will also turn on further liaison with GOL and PINS and it may not be possible to implement this without causing delay. However, if Cabinet agrees in principle to this approach, any significant deviation from the above initial research could also be reported in advance of any further planning application.
- 4.6 If Cabinet agrees to adopt this approach, aside from the matter of capital funding which will need to be agreed (of £100,000), it is arguable that the other matters of detail (e.g. finalised concession obligations/payment, lease structure, etc) should only be pursued if planning permission is in place (to prevent potentially wasted costs for a number of parties). Therefore, should Cabinet choose to adopt this approach, only such work will be undertaken to verify the commercial feasibility (and temporary nature) of the proposal as is necessary to support a planning application. Subject to consideration of the relevant issues identified elsewhere in this section of the report, this might

entail a decision to confirm that capital funding would be available to implement the proposal to support a successful planning application.

5. Revised timetable

- 5.1 The July 2003 report provided Cabinet with an overview of all activities related to Twickenham Riverside to the expected date that a long-term redevelopment of the site would commence.
- 5.2 The fact of the call-in and the possibility that the UDP inspector's report may be slightly later than envisaged both have an impact on overall timing. The main consequence of the call-in is the level of additional work required and that resources used for the inquiry will not be available for other aspects of the programme. On the UDP report, the main impact relates to the fact that the report acts as a "trigger" for subsequent activities (e.g. consideration of the T1 site brief, market testing, production of development brief etc). It would not be an effective use of resources to work on these aspects until the UDP inspector's report is available.
- 5.3 The table below provides a summary of the overview timetable presented to the July 2003 meeting and consideration of potential time impacts.

Date in July 2003 report	Description/comments	Comments/revised date
By end August 2003	Clarification of Twickenham Challenge process with participants	Meetings finalised. Several participants noted tight timescale for initial phase.
August 2003	Planning decision on short-term scheme (anticipated).	Earliest anticipated date for local inquiry is May 2004. If SoS is minded to do so, grant of planning consent may be some time later. If consent is granted by August 2004, the short-term scheme could be completed by January 2005.
July-November 2003	Refinement of Twickenham Challenge proposals	Given initial feedback from several participants & call-in recommend this period is extended to February 2004
October 2003	T1 in UDP inquiry	Completed. However, the inquiry is reopening to consider deferred matters in December 2003 and the UDP inspector's report may be later than anticipated.
Commence October 2003	Basic economic appraisals for long-term scheme	Rudimentary work was underway. Resources will be diverted to the local inquiry.
December 2003	Shortlist Twickenham Challenge proposals	Recommend this be extended to March 2004 – to reflect earlier modification and allow for increased

Date in July 2003 report	Description/comments	Comments/ revised date
		Council workload due to local inquiry.
By January/February 2004.	UDP Inspector's report. Subject to inspector's report, agree amendments to T1, Consider initial parameters for development brief, consider revisions of site brief	It is anticipated that the inspector's report may be received slightly later (e.g. spring 2004).
January 2004-May 2005	Short listed Challenge proposals implement fundraising strategy	Suggested will now run April 2004 to June 2005
February/March 2004	Market test – interest and procurement options with long-term developers	June/July 2004
March-September 2004	Develop & finalise planning brief and development brief	July 2004 to January 2005
August 2004	Pre-qualify long-term developers	February 2005
September 2004-February 2005	Appointment of long-term developer	March -July 2005
April-November 2005	Design development, legal negotiations, finalise remaining Twickenham Challenge proposals	September 2005-March 2006
June 2005	Select final Twickenham Challenge proposal	November 2005
By November 2005	Submit planning applications – for Challenge & long-term scheme	March 2006
December 2005-November 2006	Planning process	April 2006-September 2007 (including some allowance for call-in)
December 2006	Commence implementation	Winter 2008
	Redevelopment complete	Winter 2010 (assuming 2 year timeframe & reasonable period for complying with e.g. archaeological conditions etc)

5.4 Twickenham Challenge participants were advised of the potential delay to the process caused by the Council needing to prepare for the local inquiry. Aside from the above revisions to accommodate consequential changes to the timetable elsewhere, Cabinet is advised to continue with the Twickenham Challenge as this deals solely with the long-term development of the site. Once the initial phase is completed (and in line with advice in the clarification process provided to participants) the Council will need to take account of all relevant factors in taking the process forward. The decision by the Secretary of State (in line with some objections made to GOL) that “partial” development of the site (even that which proposes no occupied or built structures) might be prejudicial to its wider redevelopment may, in all probability, have increased the risk that any subsequent “partial” application could be at a higher risk of call-in. Since it is prudent to heed previous reasons for call-in when making future planning applications, this would seem to underscore the necessity for

the Twickenham Challenge and long-term scheme applications to be submitted coterminously.

- 5.5 Periodically, Cabinet will be provided with an update as events unfold. Clearly, the timing of certain events beyond the Council's control could, conceivably, have further impacts on the timetable.

6. Consultation

- 6.1 The Director of Finance and Corporate Services, Assistant Head of Legal Services, Assistant Development Control Manager, Head of Planning Policy and Team Leader Inquiries and Appeals were consulted in the drafting of this report.

7. Financial implications

- 7.1 The direct financial implication of this report is that the Council will incur new expenditure of up to £60,000 in the pursuit of the public inquiry. This is estimated to be the maximum expenditure likely to be required. However, if any third parties seek to widen the scope of the inquiry, the Council might incur additional costs.

- 7.2 However, this expenditure can be met from the project development budget previously agreed by Cabinet. If the Secretary of State grants planning permission, the Cabinet will need to agree "top up" funding for the construction costs of the scheme to meet the shortfall due to the local inquiry. The construction costs of the scheme may increase and, if so, this will be reported once the planning position enables firm costings to be provided (e.g. appropriate uplift for inflation and financial consequences of detailed conditions).

- 7.3 There are no direct financial consequences at this stage of a decision (on the terms identified elsewhere in this report) to submit a planning application for the temporary café/lavatories/baby change facility. However, Cabinet is advised that it might be appropriate if an application proceeds to have agreed in advance of the application being considered that the Council would meet the capital cost of the proposal. This would entail expenditure of £100,000 (at September 2003 cost base).

8. Policy and Equality Implications

- 8.1 This report builds on the previous policy decisions of Cabinet to procure long and short-term schemes for Twickenham Riverside. The pursuit of the Twickenham Challenge is designed to ensure:

- fullest participation
- partnership working with members of the local community
- the provision of targeted advice and support to participants to promote equality of access to the competition
- a fair and transparent approach to the conduct of the process.

- 8.2 In addition, the previous decisions of the Cabinet allocate specific funding to Twickenham Riverside, which is designed to promote civic pride, partnership

working with community organisations and (in partnership with community organisations) the improvement of the Twickenham Riverside area.

9. Background papers

- Urgency Committee, 13 June 2000
- Resources Committee, 16 October 2000, 4 December 2000, 12 February 2001
- Cabinet, 28 May 2002, 25 June 2002, 30 July 2002, 12 November 2002, 10 December 2002, 25 February 2003, 29 April 2003, 22 July 2003.

10. Contacts

Gillian Norton. Chief Executive
020 8891 7908, g.norton@richmond.gov.uk

Tom McKeivitt. Joint Development Manager PFI & PPP
020 8891 7970, t.mckevitt@richmond.gov.uk