

LONDON BOROUGH OF RICHMOND UPON THAMES

CABINET

DATE: 10 DECEMBER 2002

REPORT OF: CHIEF EXECUTIVE

SUBJECT: TWICKENHAM RIVERSIDE

WARDS: TWICKENHAM RIVERSIDE

KEY DECISION? Y

Agenda Item No.

9

1. Summary

This is a report advising Cabinet of options for the redevelopment of Twickenham Riverside. The report provides an overview of the relevant policy context, analysis of the debate concerning Twickenham Riverside, principles which Cabinet will need to consider in reaching a decision and an appraisal of potential options which could be pursued. On the information and evidence provided, Cabinet is requested to identify a preferred option.

2. Recommendation

That Cabinet consider its preferred option:

Either:-

- (a) Pursue an alternative large scale redevelopment within the confines of the existing development brief or by revising the existing development brief; or**
- (b) Pursue an alternative large scale redevelopment in accordance with an entirely revised or entirely new development brief; or**
- (c) Pursue a smaller scale redevelopment designed to satisfy the Council's wider obligations and the key planning difficulties of previous schemes to redevelop the site; or**
- (d) Sell the land.**

And

- (e) (If a further scheme is pursued) consider the nature and type of consultation for a further scheme**
- (f) Consider whether a short term scheme should be pursued**

3. Objectives of this report and overview of Options

3.1 The objectives of this report are:-

- To identify the “site” as the Council owned land within the confines of the UDP T1 planning policy.
- To appraise and identify potential options for bringing a publicly owned derelict site back into use.
- To address concerns identified in the decision to terminate negotiations with Dawnay Day – including the need to consider planning matters and the financial viability and deliverability of any proposals.
- To consider publicly expressed views on the matter.
- To consider, in principle, short and long term solutions for the site.
- To bring an end to the uncertainty on the use of the site.

3.2 The broad options available to Cabinet are identified in the recommendations at section 2 of this report.

3.3 Cabinet is advised that consideration of short-term schemes should only apply if it is minded to pursue option (b) or (c) in Section 2 (and then according to the detail of any long-term option identified.)

3.4 Option (d) is identified as “sell the land”. However, in the short or long term the remaining 3 options are likely to entail disposal of a significant interest in the land, bearing in mind that the Council may not have the funds to carry out redevelopment itself. Therefore, to prevent repetition and throughout this report option (d) can be taken to mean “dispose of the land without any specific development obligations or limitations on use, leaving the future of the site to be determined by the purchaser and the planning requirements”.

3.5 To assist with its consideration of the matter, Cabinet is provided with (amongst other items in this report):

- An overview of the background to attempts to redevelop the site
- Consideration of the main planning policy for the site
- An overview of the requirements of the current development brief (and a comparison of planning policy requirements versus a development brief)
- Overview of key issues in the debate on Twickenham Riverside
- The appraisal of a number of options against pre-defined criteria (or an analysis of a proposal where this is more a matter of principle). The options include various proposals submitted by third parties
- Schematic scheme drawings submitted by property developers / architects

3.6 If Cabinet resolves to select one of the broad options there would, of course, be alternative means of putting that option into effect. The precise method of pursuing the selected option would need to be considered by a later meeting of Cabinet, to decide such matters as the nature of the land interest to be disposed of by the Council (i.e the freehold or a lease for a particular term of years), the optimum method of marketing the opportunity, the capital and revenue implications and the appropriate framework for future public consultation.

4. Details

4.1 Background

4.1.1 The development history of Twickenham Riverside since 1991 was dealt with in some detail in the report to Cabinet on July 30th 2002.

4.1.2 In summary:

- Following an unsuccessful attempt by Marks & Spencer to redevelop the Twickenham Pool site in 1991, a Planning Inspector's report identified planning parameters for the site.
- These were, broadly, reflected in the Council's first Unitary Development Plan (adopted in 1996).
- Later that year (following a design competition) Alsop Zogolovitch/First Premise was appointed as the preferred developer by the Council (and the Council agreed to appoint the reserve team should a scheme not be finalised with the first team).
- The preferred developer worked up a scheme during 1997/8 – with a blend of proposed leisure, cultural and recreational spaces. This relied on an application for Lottery funding – which was not successful.
- During late 1998/9 the preferred developer revised the scheme, the types and level of enabling development and proposed a cinema/auditorium complex.
- This proposal was unpopular with the public and in early 1999, the Council sought revisions to reduce the proposed mass and scale of the scheme.
- At around the same time, the Council developed a steering group on the topic which included working parties considering, river uses, traffic and highways issues and regeneration, design and public asset issues.
- Reports were produced by these groups. These were intended to bring focus to the finalisation of a development brief.
- During 1999, Dawnay Day had acquired the freehold of the majority of King Street Parade and also became involved in discussions with the preferred developer as the potential scheme financier.
- The Council's "Final Revised Development Brief" was issued in March 2000, but it was subsequently revised twice more culminating in the "Final Revised Development Brief Rev B in February 2001.
- By summer of 2000, the Council was seeking to terminate negotiations with the preferred developer and Dawnay Day had indicated previously that it believed it was best placed to take on the role of preferred developer.
- In October of 2000, the Council approached the reserve team and by October of 2000, Dawnay Day was the lead developer (with St George intended to enter into a contract with Dawnay Day concerning the residential development proposed within the scheme).
- Thenceforth, Dawnay Day worked up its scheme (with public exhibits etc) and in February of 2001, the development brief was further modified to respond to the proposals developed by Dawnay Day and its envisaged approach.
- In July 2001 planning permission was granted for the Twickenham Riverside Terrace Group public open space scheme
- In September of 2001, Dawnay Day submitted its planning application. This was the subject of sustained and widespread public objection.
- By the time the planning application was considered (at the end of February 2002) the Secretary of State for the Department of the

Environment Transport and the Regions had identified that the matter could be subject to “call-in” for a public inquiry.

- In May of 2002, a Conservative administration was returned with a large majority. The new administration requested the review of a number of inherited Council policies, including Twickenham Riverside.
- In May 2002 notification was received that the Secretary of State had decided to call in the planning application with a public inquiry
- Following several fact-finding and interim reports in May and June 2002, on July 30 2002, Cabinet was presented with a wide ranging and in-depth appraisal of progress of negotiations on the Dawnay Day scheme and an analysis of the implications of continuing or withdrawing from the scheme.

4.1.3 After full deliberation and consideration of the July 30 2002 report, Cabinet resolved that negotiations with Dawnay Day on the scheme for Twickenham Riverside be terminated for the following reasons:-

- Concerns at the lack of progress on several key issues after a significant period of negotiations, with the likelihood that it would not be possible to reach agreement on acceptable contractual terms which fully delivered the Council requirements within a reasonable period of time.
- Concern that the evidence suggested that the scheme had doubtful financial viability and that a number of future events could further impact on the viability of the scheme and/or the level of public benefits within it.

4.2 Notification of July 2002 decision

4.2.1 Dawnay Day and St George were provided with written notification of the July 2002 Cabinet decision on July 31 2002.

4.2.2 Both companies were notified that the Council was inviting those who might have an interest in doing so, to make a contribution to the process of Cabinet consideration of the options – with the proviso that any material submitted would be put before the Cabinet on a “no commitment” basis. Community and other groups which had expressed an interest in the site were also invited to make a contribution – this included the Twickenham Society Co-ordinating Group (representing the Twickenham Amenity Societies on the matter of Twickenham Riverside) and the Twickenham Riverside Terrace Group (a member of the Twickenham Society Co-ordinating Group, but also the organisation which obtained a planning consent for an alternative scheme to redevelop Twickenham Riverside in July 2001).

4.2.3 All four parties in paragraph 4.2.2 made submissions to the Council. In addition, a number of other individuals and organisations also submitted material proposing options for Twickenham Riverside. Sections 4.18 to 4.26 of this report provides detail of the submissions received.

4.3 Overview and Scrutiny “Call-in” of the July 2002 decision

4.3.1 In accordance with Overview & Scrutiny Procedure Rule 16, the Chief Executive (as Proper Officer), called in the July 2002 Cabinet decision, having been requested to do so by 2 Members of the Strategy and Resources Overview & Scrutiny Committee for the following reasons:

- a) to enable full scrutiny of the costs and financial risks associated with the decision;
 - b) to enable scrutiny of the implications of the decision for the future vitality of the town and leisure facilities for residents; and
 - c) to examine why the decision was made without public consultation.
- 4.3.2 The Overview and Scrutiny Committee which met on August 29 2002, could not have overturned the July 30 2002 decision of the Executive on this matter but the matter could have been referred back to Cabinet setting out the nature of any concerns, which would then have required a further Cabinet meeting to reconsider the decision.
- 4.3.3 Following consideration of this matter (in both the open and private parts of the meeting) the Committee agreed by a majority of 5 to 3 to endorse the Cabinet's original decision, which then had immediate effect.
- 4.3.4 At the August 29 meeting, the Council Leader and Senior Officers of the Council were questioned at some length by Members. As well as answering questions and responding to points made, the Leader issued a statement in respect of the three points which had been identified as reasons for requesting the call-in. The Leader's statement is at **APPENDIX A** of this report.

4.4 The Planning Public Inquiry

- 4.4.1 The report to July 30 2002 Cabinet appraised Members in some detail of the reasons for the Secretary of State's decision to call in the Dawnay Day planning application and the procedures likely to apply to the pursuit of the public inquiry. Since then, the Council has received confirmation that the intended start date of the inquiry is January 14 2003. The Twickenham Amenity Societies (under the auspices of the Twickenham Society Co-ordinating Group) have been granted "Rule 6" status – meaning that they can formally act as a party to the inquiry representing the collective position of local groups who wish to be represented.
- 4.4.2 Now that the Council (in its capacity as landowner) has withdrawn from negotiations for the grant of a lease to Dawnay Day, this does not change the fact that the local planning authority had resolved to grant planning permission for the scheme on March 1 2002.
- 4.4.3 Members will recall that the report on this topic to Cabinet in June 2002 dealt in some detail with correspondence between Dawnay Day and various services of the Council on planning matters and the public inquiry. A key concern of Members was that no party to the inquiry should be exposed to incurring (potentially) wasted costs in relation to it.
- 4.4.4 On June 17 2002, Dawnay Day received a request from the Government Office for London to provide an Environmental Impact Statement for the scheme. In common with all other parties to the inquiry, Dawnay Day was also requested to submit a "Rule 6 Statement" which appears to have been required by August 6 2002. Whilst Dawnay Day had written to the Planning Inspectorate on 8 July 2002, requesting an extension of the period for submitting its statement of case, the Council has not been provided with any formal response from Dawnay Day to that request (either by Dawnay Day or the Planning Inspectorate).

- 4.4.5 At the time of drafting this report, Dawnay Day has not submitted a “Rule 6” statement, confirmed to the Planning Inspectorate that it will provide an Environmental Impact Statement, nor identified that it will be submitting proofs of evidence to support its case in the inquiry.
- 4.4.6 The Council’s Development Control Manager has written on a number of occasions to the Planning Inspectorate to request clarification as to whether the proposed inquiry will now proceed. In this regard, **APPENDIX B** of this report contains copies of relevant correspondence.
- 4.4.7 To the Council’s knowledge, the company’s agent did not respond to the Inspector’s request for the required information until late November. **APPENDIX C** sets out the relevant correspondence. In its letter Dawnay Day’s agent indicates that the company is willing to provide any information necessary to ensure the scheme receives consent, but goes on to note that the Council (as a landowner) has withdrawn its “support” for the scheme. The letter also states that Dawnay Day has been seeking to negotiate with the Council to obtain support for the now terminated scheme.
- 4.4.8 The view has been forcefully expressed (by the Twickenham Society Co-ordinating Group - see **APPENDIX D** letter of October 31 2002) to the Planning Inspectorate, that there are valid grounds in the public interest for the inquiry not to proceed. These being:
- Despite repeated requests and revised deadlines, the absence of a Rule 6 Statement from Dawnay Day.
 - Despite repeated requests and missed deadlines, the absence of an Environmental Impact Statement from Dawnay Day.
- 4.4.9 Since proofs of evidence must be submitted to the Planning Inspectorate no later than four weeks prior to the start of the inquiry, time is pressing on this matter. At the time of drafting this report, the Planning Inspectorate had written to Dawnay Day’s agent noting a further revised deadline for the required information of November 29 2002. The Council’s Appeals Officer in the Development Control Department has since been notified by the Planning Inspectorate that Dawnay Day had been given a revised deadline for submission (December 13 2002) of the Environmental Statement and Rule 6 Statement.
- 4.4.10 Given the inquiry start date (January 14 2003) it appears there would be insufficient time for the preparation of proofs and for notification of the Environmental Statement even if Dawnay Day did now comply with the revised deadline.
- 4.4.10.1 The Council’s Development Control Manager has written to the Planning Inspectorate requesting that the currently proposed inquiry date be cancelled due to the above mentioned difficulties in interested parties preparing their cases/evidence in the absence of key submissions from the applicant.
- 4.4.11 It would be misleading to speculate on the outcome of this matter in advance of any further correspondence from the Planning Inspectorate to Dawnay

Day's agent. It seems improbable that the inquiry can proceed on the current timetable. The broad possibilities would appear to be:

- Dawnay Day withdraws its application
- The Planning Inspectorate dismisses the inquiry
- The Planning Inspectorate suspend the inquiry

4.4.12 It is expected that all parties to the inquiry should meet their own costs in giving evidence. However, costs can be awarded against the main parties if they are found to have acted unreasonably.

4.4.13 Cabinet will be provided with an oral update on this matter on December 10 2002.

4.5 Policy background

4.5.1 The key policies which are relevant to this matter are:

- The Planning policies specific UDP proposal T1, and Planning Brief which apply to the site
- The Council's Community Plan (under Part 1 of the Local Government Act 2000). A number of general policy objectives apply to most of the proposed options to one degree or another (regarding health and fitness, well being etc).
- The Council's current development brief for Twickenham Riverside

4.5.2 This section of the report examines these key policies and considers the practical relationship between them.

4.5.3 The Council's existing development brief for the site (agreed in February 2001 and at **APPENDIX E**) was intended to translate the strategic principles of Proposal T1 into a scheme which reflected the interests of the local community. (Proposal T1 is at **APPENDIX F**).

4.5.4 The development brief seeks the development of the former swimming pool site within the context of UDP proposal site T1 and improvements to the local area.

4.5.5 The most fundamental policies which apply to the site are those within the sphere of the Town and Country Planning Act. There are many specific policies which apply and their full application and interpretation would continue to be matters for the planning authority as regards proposals for redevelopment on the Council's land. The central planning policy constraint which applies is the UDP Proposal T1 which takes account of the relevant planning policies.

4.5.6 Policy T1 in the adopted UDP affects a larger area than the Council owned site, (including the King Street frontage and other land outside Council ownership) and it proposes the following in broad land use terms :-

- enhancement of riverside and shopping area
- leisure uses
- housing
- limited improvements to rear servicing
- car parking and public conveniences.

- 4.5.7 A planning Site Brief was also produced for Proposal T1 which provides more detail and guidance on the principles set out in the Proposal. The Site Brief is also at **APPENDIX F** to this report.
- 4.5.8 The justification for the T1 policy sets out more detailed requirements to be expected in achieving the above specified land uses. These include:-
- Development should be in harmony with the small scale and domestic aspects of the parts of the conservation area, which give it its distinct character and make a significant contribution to achieving the Thames Landscape Strategy.
 - Emphasis should be towards the river but should also provide the potential for a pedestrian link from river to the town centre, (from King Street). This should provide a visual link and appropriate developments from it to encourage pedestrian movement and activity.
 - A prime objective is to provide the community with leisure uses and increased opportunities to enjoy the riverside.
 - Housing for the site should include a substantial element of affordable housing and a reasonable proportion of small units.
 - Subsequently, in the UDP First Review the site boundary of proposal T1 was amended to exclude the Water Lane site which had been developed for affordable housing and to omit any reference to providing further affordable housing on the remaining part of the site.
 - Primary access to the site should continue to service shop premises in King Street and the opportunity should be taken to improve this facility and the appearance of the rear of these properties.
 - Important trees along the Embankment and service road must be retained.
 - Opportunities should be taken to improve the environment of the key-shopping frontage to King Street.
 - Limited car parking only should be provided.
 - Proposal T14 for a landing stage should be considered as part of any scheme.
 - Public conveniences should be replaced (However, as landowner Cabinet is pursuing a review of its policy on the provision of WCs).
- 4.5.9 In summary, Proposal T1 was amended in the First Review of the UDP. The amendment primarily concerned the removal of a reference to affordable housing and the requirement to provide a 'substantial' element of small units rather than a 'reasonable proportion'.
- 4.5.10 The Council's existing development brief can be summarised as containing the following requirements:

- In return for a scheme which assists in the revitalisation of Twickenham and “community benefits” the Council would be prepared to contribute up to the full value of the site
- The scheme sought is a flagship for the revitalisation of Twickenham town centre.
- Sustainability and respect for the scale and character of the conservation area at the riverside location as well as the possible provision of land mark buildings are clear intentions.
- Any scheme resulting from the brief must be maintained to an exceptionally high standard, which will be paid for from income generated by the development.
- The design should encourage a variety of approaches to the site and increase permeability towards the river.
- The scheme should be adaptable to future changes within the town centre.
- The development should have particular regard to the requirements of the Disability Discrimination Act and any performance facilities should be suitable to be licensed as places of public entertainment.
- The development should be in accordance with the Council’s UDP and associated recommended guidelines for sustainability.

4.5.11 The planning policy framework for the current land owner policies is as follows:-

- Policies / proposals / plans T1, T7, T8 and T14 in the Unitary Development Plan.
- The original site brief for the proposal T1 in the UDP.
- Policies from the Thames Landscape Strategy.
- Twickenham Riverside conservation area study adopted by the Council in March 1998.
- Strategic guidance for the River Thames (RPG3B9B).

4.5.12 In addition, the 1991 planning inspector's report into the Marks & Spencer's' scheme, is a material consideration for planning purposes and has influenced the formulation of planning policies for this site.

4.5.13 Any development arising from the current development brief is intended to be viewed as part of the Thames landscape as well as making a significant contribution towards the Twickenham Riverside conservation area.

4.5.14 The development brief requires a sensitive transition to manage the change in levels which occur at the site (with the King Street side being higher than that at the Embankment and broadly, following a gradient towards the river). The intention is that the mass and scale of buildings on the site should deal

sensitively with the transition from the scale of Water Lane and the area East of it to the large buildings on King Street. The development should provide minimum parking in the context of sustainable development and 31 parking spaces should be provided as a replacement for existing residents parking on the Embankment (which is intended to be removed as part of any scheme which responds to the brief).

4.5.15 In terms of specific requirements, these can be summarised as follows:-

- An avenue, preferably 2 shop units wide forming a pedestrian link between King Street and the Embankment with access and views direct to the river.
- Provision of a town square for “outside” events.
- A minimum capital receipt to the Council of £750,000.
- Health and fitness facility incorporating a 13m x 25m wide training pool with off peak access at preferential rates to members of the public.
- (Following the decision of the Resources Committee in February 2001 to select the cinema as opposed to discovery centre option) the provision of a 3 screen cinema with arrangements for “community use” of the facility by prior arrangement (for performances/recitals etc).
- A balance of enabling commercial uses mainly being A3 and residential uses.
- Provision of traditional w/cs.
- Improvements to the local environment (potentially stretching along a significant length of the Embankment and including Bell, Water and Wharf Lanes together with the service road at the rear of King Street). Such work might include:-
 - I. Widening of the riverside promenade.
 - II. Removing planters and retaining soil under trees.
 - III. Repairing the embankment wall and steps.
 - IV. Resurfacing Bell Lane, Water Lane and Wharf Lane.
 - V. Improving seating and refurbishing and repainting riverside railings.
 - VI. Reducing traffic signage clutter.
 - VII. Providing a canopy over King Street entrance.
 - VIII. Improving Champions Wharf possibly seating, lighting, surfacing and improved access.

4.5.16 A fundamental objective of a development in response to the current Council development brief is that it should contribute to the revitalisation of Twickenham town centre. The current brief envisages that this would be achieved through the development of A3 and retail outlets on the site which will itself have improved access through the pedestrian walkway. The development brief seeks a minimum balance of commercial uses which will also act as a draw to the development, have a positive effect on the existing

trading situation in the Twickenham locality and attract a balanced range of users both during the day and evening.

4.5.17 The traffic and parking implications of any scheme in response to the development brief would need to be assessed in terms of the traffic and parking facilities in the town centre as a whole. Including:-

- Servicing of parking requirements for the businesses, sports, social clubs and residents of Eel Pie Island and King Street South.
- Adaptability to change in circumstances over time for parking and traffic arrangements.
- Generally an expectation that pedestrians will be given the highest priority on the site.

4.5.18 Guidance on potential changes in attitudes towards the accommodation of traffic in the future includes the following:-

- Water and Wharf Lane continuing to operate one way with sections of two-way traffic permissible on the southern links only.
- The retention of the cycle route through the site and the contra- flow cycle lane in Wharf Lane reviewed.
- The extension of the service road at the rear of King Street south to Water Lane and the provision of traffic management measures to safeguard pedestrians crossing.
- The potential to use the Embankment at the west of Water Lane for parking and loading for local businesses/traders/utility companies etc. This also envisages the further possibility of differential traffic management regimes for weekday evenings and weekends.
- The retention of adequate space at the end of Water Lane in the vicinity of the Eel Pie Bridge for delivery vehicles and emergency service vehicles.
- A requirement that the total provision for parking in the Riverside area should have regard to the loss of existing parking arising from any proposed development.
- The layout of traffic should have regard to flood patterns and consider the use of marginal land at Water Lane and Wharf Lane for parking.

4.5.19 Throughout the document, emphasis is given to the sensitive nature of the site and the need to provide a response which integrates a number of factors including; mass and scale, quality of architecture and its resonance with the surrounding area, river infrastructure, public space and accessibility.

4.5.20 Overall, the current development brief was the end product of a significant effort by the Council to consult with interested parties. However, some members of the working parties involved in the process subsequently criticised the process of consultation and claimed that the identification of only two “core” options presented a “false dilemma” since there were other options that might

equally well have been pursued. Additionally, some members of the public expressed criticism of the Council's consultative evidence in support of the cinema option – claiming that it was not representative of public opinion.

- 4.5.21 At **APPENDIX G**, as examples of the level of consultation which took place are the reports of the River Use Working Party and the Centre Working Party (due to their large size these documents are attached for Cabinet Members only. A copy is available in the Members' Room.)
- 4.5.22 The fact that the development brief did not reflect all aspirations is also a reflection of the fact that the public consultation generated many ideas which were mutually incompatible or highly unlikely to provide sufficient financial incentive to attract and retain a property developer to work with the Council.
- 4.5.23 When Alsop/Zogolovich/First Premise were appointed, there was no detailed development brief as the procurement method had been a design competition. However, in tracing the history of the Council's requirements since 1996, it is clear that the original Alsop/Zogolovitch/First Premise proposal left a residue of public expectation that the site would provide a significant "public benefit" providing leisure, cultural and/or arts facilities at the site.
- 4.5.24 Whilst the evolution of the final development brief can also be traced back to the earlier unsuccessful attempt to obtain lottery funding, as Dawnay Day became involved in the process (initially from being the proposed financier of a scheme, until it was eventually appointed as the Council's developer), the brief also changed to reflect the company's emerging designs for the site. This was reported to the February 2001 Resources Committee meeting. The evolutionary process for the development brief was addressed in some detail in the July 30 2002 report to Cabinet.
- 4.5.25 The planning policies which apply to the site have a statutory effect and any planning application which seeks to develop land within the confines of T1 will be judged against the requirements. Section 54A of the Town and Country Planning Act 1990 provides that where an adopted or approved development plan such as the UDP contains relevant policies, an application for planning permission or an appeal must be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with the plan should not be allowed unless material considerations justify granting planning permission.
- 4.5.26 The development brief for the site was produced by the Council in its capacity as a landowner and not as part of its planning functions. Unlike a Unitary Development Plan, there is no obligation on a local authority to produce a landowner development brief. Whether or not the Council maintains a landowner development brief, the planning policies reflected in the current brief will continue to apply to the site.
- 4.5.27 Dawnay Day has indicated that it still wishes to develop its own land at King Street (and this is dealt with in section 4.18) A redevelopment which relies jointly on Dawnay Day and Council land is one of a number of potential solutions. Should Members wish to consider a scheme involving only Council land (short or long term) the key points of principle are:
- Given the scope of T1, whether the Council's land is capable of being developed independently and still in compliance with the planning policy.

- In the light of the Council's experience in seeking to redevelop this site, the pros and cons of the pursuing further consultation for a development brief

Each of these is dealt with in turn below

- 4.5.28 There are a number of potential uses to which the Council's land alone could be put, and a scheme with the inclusion of the Dawnay Day land is not a mandatory requirement of policy T1. The proposed use of the land in the current development brief can be traced to an earlier version of the development brief for the site – but the precise designs and land assembly are a central feature of the current development brief, following its evolution after Dawnay Day became the Council's preferred developer. This is due to the fact that the implementation of the brief relies on the use of land which Dawnay Day had agreed (or sought) to make available. This was either to address a requirement of the development brief (e.g. the walkway from King Street) or to accommodate its own evolving designs (for example, the use of the car park at the rear of the Abbey National premises in King Street).
- 4.5.29 Although proposal T1 in the Council's UDP (First Review) and the Planning Site brief include the King Street frontage within the site, the comprehensive redevelopment of the site was not a specific requirement. The Planning Brief specifically states that the redevelopment of the King Street frontage is not envisaged at this stage. The critical consideration is that the Council (as planning authority) may well consider it appropriate to grant planning permission for a variety of different schemes on parts of the site so long as they do not prejudice the overall aim of T1, (which is itself expressed in fairly broad and general terms).
- 4.5.30 This is clearly the position in the case of the planning permission for public open space granted for the Twickenham Riverside Terrace Scheme. Also the recent Dawnay Day application did not include the whole T1 site which is described as Twickenham Riverside and 1-33 King Street. This analysis illustrates that (subject to otherwise satisfactory proposals as described above) planning consent for the partial implementation of T1 is possible.
- 4.5.31 Any proposed scheme which made use of only the Council's land within T1 would need to be the subject of a detailed planning application and any incidental and related regulatory approvals.
- 4.5.32 It is possible that the Council as local planning authority will continue to treat most planning applications limited to a part only of the land as departures and refer them to the Government Office for London. This was the approach adopted for the Twickenham Terrace Group Scheme. In that particular case, the Secretary of State for Environment Transport and the Regions advised that he did not wish to intervene in the decision.
- 4.5.33 The notification and consultation arrangements for planning applications by the local planning authority include: public notices, written notification to those likely to be immediately affected by a development proposal, arrangements for public perusal of the application, and the facility for those who wish to do so to make representations at the Planning Committee. In addition, the Council frequently issues press releases notifying the receipt of applications for Council land which are likely to be of particular public interest. The preparation and modification of a UDP entails placing drafts on deposit,

following public notice and consideration of representations from interested parties and may entail a public inquiry.

- 4.5.34 In the pending review of the Unitary Development Plan, Cabinet recently recommended that Council agree a number of further proposed modifications to the Plan prior to this being deposited for public consultation during January and February 2003, with a view to a public inquiry being completed by summer 2003, with view to a revised Plan being adopted in early 2004. One recommended modification to the plan was that the proposal site T1 be modified to permit "possible temporary uses including open space".
- 4.5.35 In planning policy terms, the rationale for the modification was to create the potential for a mix of temporary uses pending a suitable and viable scheme.
- 4.5.36 As noted above, there is no statutory requirement for a local authority to produce a development brief for a site in its ownership. There are instances in which local authorities pursue major redevelopment schemes where no such brief is devised, and the details of the Council's landowner requirements are effectively enshrined in, for example, a development agreement with a prospective purchaser or lessee. In the case of Twickenham Riverside, if Cabinet does resolve to pursue a further development at the site there may be a case for adopting a different approach which does not necessarily entail any new landowner development brief for the site.
- 4.5.37 Whilst it is clear that the intention of the previous public consultation was to seek to ensure that the final development brief reflected the aspirations of stakeholders, to a very large degree, the majority of the stakeholders claimed that the February 2001 brief did not reflect those aspirations, and there is evidence still that expectations may be divergent.
- 4.5.38 There may be many possible explanations as to why this was the case, but simply, it may be that the level of consultation and the diverse interests represented led to a situation where it was inevitable that wide-ranging aspirations might not be met. The submissions made by Local Amenity Groups for this meeting continue to demonstrate that there remains a wide range of aspirations for the site which cannot be fully reconciled into any one scheme. However, examination of the current development brief reveals that the majority of the requirements within it are matters which fall within the remit of the planning authority. This includes consideration of the "public interest", issues of "public benefits" as a material planning considerations (which occurred when the Dawnay Day application was considered in 2001)
- 4.5.39 If Cabinet resolves to pursue a further scheme, the extensive and wide-ranging consultation which has occurred to date needs now to be focused in order to streamline and rationalise the process. An approach which relies on the use of the planning process as the detailed consultation mechanism coupled with appropriate consultation with principal stakeholders on relevant matters, could avoid duplication of time and effort and may provide the focus which would be necessary to bring about a workable solution.
- 4.5.40 The Council has undertaken a very significant level of public consultation both historically and in the preparation of this report which has left a residue of material which very fully reflects aspirations to this point in time.

- 4.5.41 This proposed approach would not deprive interested parties of their rights to be consulted - there could be appropriate consultation as matters progress. The planning process is (amongst other things) a well-established and highly regulated mechanism for public feedback. The process is open to all with an interest in any particular development proposal (and could provide the focus necessary to find a solution to the redevelopment of the site).
- 4.5.42 Therefore, Cabinet should consider, if it is minded to pursue a further scheme at Twickenham Riverside, the nature and type of consultation it believes will be most effective for the implementation of the choice of scheme it makes.
- 4.5.43 In conclusion
- the planning policies are the fundamental parameters which apply in this case
 - previous decisions of the planning authority demonstrate that planning approval can be obtained for schemes which do not seek to implement the whole of the T1 policy (and which relate only to Council owned land)
 - If Cabinet wishes to proceed with a further scheme which involves redevelopment of the Council land within T1, there is no statutory obligation to consult widely in the production of a development brief.
- 4.5.44 In a proposal such as this, which has generated a very high level of public interest and involvement, certain parties may seek to contend that they have a legitimate expectation that they would be consulted in the event that the Council wishes to amend or abandon the present landowner development brief. Were such a legitimate expectation to exist, the Council should not resile from it unless there are overriding reasons to do so.
- 4.5.45 In the light of experience to date there may, however, be grounds to consider that the Council's approach to public and "stakeholder" consultation in the future (if it is necessary) should be made more focused and efficient than hitherto (both from the standpoint of the Council and consultees). It may be arguable whether a landowner development brief has proved to be the most efficient means of securing public and stakeholder participation in the most recent case (and it may have led to misunderstandings as to its intended status for planning purposes). Vital aspects of public and stakeholder consultation would always take place through the planning process in respect of any application for development of the site and proposed modifications to the UDP regardless of whether the Council maintains a development brief. The need for any separate, additional consultation should of course be kept under review in the context of any option selected by members and the method by which it is to be implemented.

4.6 Key Issues in the Debate on Twickenham Riverside

- 4.6.1 Twickenham Riverside has been a central feature of public life in the Borough for the past two decades. There is clearly a strongly expressed public opinion that "something ought to happen" at the site and some members of the public have expressed the view that the dilapidated state of the Riverside area is symbolic of municipal decay and neglect.
- 4.6.2 The subject and virtually any approach to considering a way forward is complicated by the fact that Twickenham Riverside has a long (and complex) history and possibly, a reputation for generating public controversy. There

may be a risk that the aspirations for the site mean it has become “all things to all people”. What is clear is that for a significant number of stakeholders, the site is held in a very deep affection and that any further attempts to redevelop it will continue to attract significant levels of public interest and scrutiny.

- 4.6.3 Aside from the Marks & Spencer planning application in 1991, at the heart of previous attempts to redevelop the site has been a legal mechanism whereby the Council sought to dispose of the site on a long lease in return for a number of pre-defined benefits – either cash or benefits in kind (usually linked to some form of subsidised service provision at the site). In any case, due to the benefits received in such transactions against the potential land value foregone, these invariably fall within the regulatory regime operated by the Secretary of State for approval to dispose of land under the Local Government Act 1972.
- 4.6.4 For numerous local authorities, the disposal of surplus or underused assets has become the mainstay of the capital programme.
- 4.6.5 Frequently, the effective redevelopment of publicly owned land will involve a third party property developer and a degree of “enabling development” in order to generate sufficient cash value to:
- make the venture worthwhile for the developer in terms of return on capital investment and the risks of taking on the project;
 - pay for the construction of some form of asset(s) (whether for purely public use or with a shared commercial/”public” use)
 - generate a (possibly partial) capital receipt for a freehold disposal (or lease)
 - cover the costs of enabling works, remedial measures or improvements at (or around) the site.
- 4.6.6 In comparing different transactions, what is achievable in any one will differ from another. This can be influenced by a number of factors including:
- The size of the site and any constraints
 - Applicable planning policies
 - The nature of the property market (in its residential and commercial aspects) and its point in the “cycle”
 - Demand for and usage of various types of facilities.
- 4.6.7 It is acknowledged that for some people the involvement of private capital and consequential profit is somehow unsettling in the context of “publicly owned land” and “public benefits”. However the financial reality facing most local authorities is such that they are unable to draw on large cash reserves to fund such schemes and, partly as a consequence of that, public private partnerships are becoming the norm rather than the exception for significant capital projects.
- 4.6.8 The terms “public benefit” and “public asset” are sometimes used interchangeably and often with great conviction participants in the debate. If Members wish to pursue a further scheme, it might prove useful to identify precisely the meaning which they wish to ascribe to the use they put to the terms. This could be important to prevent misunderstandings or falsely raised expectations.

4.6.9 The term “public benefit” can mean:

- The payment of cash to the Council through the disposal (partial or otherwise, temporary or permanent) of the site. The benefit is additional funds for the public purse.
- The provision of specific facilities within a scheme – especially those which are (theoretically) equally available to all members of the public. Aside from public open space (which not all may agree to be the most worthwhile benefit), this can include various kinds of physical assets or “landmark” features
- The provision of publicly subsidised access to (otherwise private) facilities
- The provision (e.g. through a section 106 type planning agreement) of a range of environmental improvements, within, around or at a distance to the site in question. (Members should question the validity of arguments which claim that the value of such features should be “discounted” from the analysis of the disposal/transactional value of a site. In any disposal, the nature of any section 106 type obligations likely to apply will be a key factor in the market assessing the value of a particular site)
- Improvements to the general amenity – with a wide range of possibilities ranging from retail, commerce, dual use facilities, improved leisure opportunities etc.

4.6.10 The term “public asset” can mean:

- A built structure (for a range of possible uses) where capital funding is generated through either the disposal of the site or the cash value generated by other components of a redevelopment scheme
- A built structure (for a range of possible uses – and many have been proposed over the years) where capital funding is generated through charity or philanthropy in the first instance
- For some people, an essential characteristic appears to be that all subsequent public use of such a facility should be “free at the point of use”
- Various, some models rely on uses which are intended to generate sufficient income to “pay their way”, others appear to propose some form of continued public subsidy
- Some hold the view that a “public asset” can mean one which is effectively owned (by long-lease) and controlled (under a trust) by a body which is neither public (in the sense of the locally elected administration or its officials) or private (in the sense of a party with a commercial interest in the site) but rather, made up of “members of the public” with some representation from the Local Authority
- Generally, an environment which is mostly accessible to the public.

4.6.11 The following rationale provides Members with a structure for the consideration of the different types of benefits:

- Primary benefits – those which are (theoretically) accessible to all. Frequently, these will revolve around open spaces or physical features. To a large extent, these are an end in themselves. This can also include Section 106 type agreements where the agreement relates directly to the site in question.
- Secondary benefits – those which either involve the provision of (or public access to) an asset with a defined purpose or a service (inextricably linked to the asset). This can either be on a “free at the point of use”, subsidised, or commercial. The particular use of the asset is the benefit, since, an asset of this type is “useful” only if it provides the required

service. These are more likely to be a means to an end (entertainment, education, knowledge etc).

- Tertiary benefits – where there may be physical assets but these are not generally accessible to the public and the “benefit” is either delivered through cash to the Council, the provision of a useful service or facility to a defined number of people (for example, housing of a number of types) or where Section 106 type agreements have an effect “at a distance”. These can be both means to an end and an end in themselves.

4.6.12 Many members of the public appear to have robust views about *what* ought to be built at the Riverside and *why and how* it ought to be built. However, despite the efforts of many over periods of years, these have not converged in a unified and detailed vision for a scheme which would appear to satisfy the differing shades of opinion as well as the numerous regulatory constraints which apply to the Council’s conduct of such transactions (these constraints are identified elsewhere in this report).

4.6.13 However on the converse, many people’s views did appear to converge against something they did not want. This seems to have been evidenced in the planning process for the Dawnay Day scheme.

4.7 Summary of responses received since July 2002

4.7.1 The following third parties submitted suggestions to the Council for the redevelopment of the site or expressed an interest in being involved in its redevelopment.

4.7.2 Developers previously involved with the Council

- Dawnay Day – request for Council to consider modifications to the Dawnay Day scheme (see also 4.7.4)
- St George – advising that it believes it could work with the Council (and all interested parties) to produce a scheme and expressing the view that the previous competition could be the basis for further work with the company

4.7.3 Property developers or agents expressing an interest

- Triber & Co Chartered Surveyors – Registering interest of their clients Octagon Developments
- Strangford - Registering interest in the site and its future development on behalf of a plc company as a possible development partner.
- The Osborne Group - Registering interest in the site and its future development as a possible development partner
- Jones Lang La Salle – Registering the interest of their clients (Wilson Bowden Developments) in the site and its future development as a possible development partner

4.7.4 Conceptual or schematic proposals

- HTP architects – schematic conceptual design for redevelopment of the site to provide a variety of enabling uses around an open “amphitheatre”. Expression of interest in working with the Council to develop the site.

- Dawnay Day proposal for mixed use residential and A3 scheme towards the rear of the site, public open space, water features, community facility, underground parking and “leisure box” underground. Expresses belief that this will be “more than viable” and will satisfy aspirations of stakeholders. Expresses interest in continuing to work with the Council and identifies adjacent land as a particular benefit. This submission was received on December 2nd and 3rd (whilst this report was undergoing final proofing). Time did not permit for specific advice to Members. This will be done at the Cabinet meeting.

4.7.5 Private individuals

- Richard Meacock – expression of support for the Ken Hathaway public open space idea (The original Twickenham Riverside Terrace Group scheme). Suggests occasional medieval market, stage/bandstand on the rivers edge. Proposes an ice rink to be built on the Crown land adjacent to Pools on the Park funded from the capital receipt if the site is sold.
- Paul Velluet – Expresses the view that an urgent and fundamental review of the site’s future and the adoption of a very much more sensitive but nonetheless commercially realistic approach to the design of new development on the site. Does not support leaving the site as existing or landscaping it as public open space.

4.7.6 Specific scheme suggestions – of principle or detail

- Laura Sevenus Swimming School – outline proposal for the redevelopment of the site to provide aqua training for small children and other sports/leisure interest. Various suggested funding options.
- Twickenham Riverside Terrace Group (TRTG) – submission to the Cabinet providing further detail on its proposals and potential amendments identified to the scheme which received planning consent in July 2001. Followed by clarification meetings with the Council on aspects of the proposal and subsequent written clarifications.
- Twickenham Society Coordinating Group – a principle discussion paper proposing a “Rethink on the Riverside” – followed by clarification meetings with the Council on aspects of the proposal and further written clarification material.

4.8 Key Decision Issues

4.8.1 To reiterate, the options available to Cabinet are identified as:

- (a) Pursue an alternative large-scale redevelopment within the confines of the existing development brief or by revising the existing development brief.
- (b) Pursue an alternative large-scale redevelopment in accordance with an entirely revised or entirely new development brief.
- (c) Pursue a smaller scale redevelopment designed to satisfy the Council’s wider obligations and the key planning difficulties of previous schemes to redevelop the site.
- (d) Sell the land.

4.8.2 Whilst there might theoretically be a large number of potential hybrid schemes, it would not be a worthwhile or focused exercise to consider all possibilities. A series of relevant decision factors are set out below in sections 4.9 to 4.15.

4.9 Short and long term approaches

4.9.1 For the purposes of this section of the report, Cabinet is recommended to consider a short-term scheme as one which is intended to have a duration of no longer than five years.

4.9.2 If Cabinet takes the view that there is merit in pursuing an alternative large-scale redevelopment within the confines of the existing development brief or by revising the existing development brief, to all intents and purposes, this would mean re-opening discussions with Dawnay Day (given the nature of the brief and its relationship to the Dawnay Day previous designs and land ownership – it would be impractical to consider another developer).

4.9.3 In these circumstances, Cabinet is advised that it should not consider the implementation of a short-term scheme. Such an approach would be unlikely to provide value for money and carry a risk that the “shorter-term” scheme might prove to be an impediment to the longer-term aspiration.

4.9.4 Likewise, if Cabinet resolves that it wishes to dispose of the freehold of the Council owned site, there is little merit in seeking a short-term scheme at the site. Similar risks apply to those identified in 4.9.3 above.

4.9.5 However, if Cabinet chooses to pursue options (b) or (c) at paragraph 4.8.1, this introduces a framework for the implementation of a short-term scheme which might be considered more likely to prove successful.

4.9.6 There can be no guarantee that if Cabinet resolves to pursue a short-term scheme that a long-term scheme will, in fact, be implemented. The history of the site and attempts to redevelop it lends some weight to the argument that the risks and potentially protracted nature of attempts to redevelop might best be left to a developer following the sale of the site. Property developers can take a much more strategic view of such matters and a very commercial approach when compared to a Local Authority.

4.9.7 Therefore, Cabinet should consider whether or not it wishes to pursue a temporary scheme – either as a stop gap prior to the implementation of a longer term scheme or, as a smaller scale scheme which might, itself, become partially integrated with a (subsequent) long term redevelopment.

4.9.8 If Cabinet adopted the latter approach, to the extent that any short term scheme could be integrated with a longer term scheme, this would increase the likelihood of improved value for money (since the costs for the short-term scheme would not be “written off” at the point the long-term were implemented, but “sunk” [at least partially] within it.)

4.9.9 The rationale for a short-term approach is that if Cabinet resolves to pursue a long-term scheme, there is the potential for a significant time to elapse between that decision and the eventual implementation of a scheme. For example, under the previous administration, a period of approximately six

years had elapsed since the initial design competition (which selected the Alsop/Zogolovitch/First Premise team) and the Cabinet's decision in July of this year to terminate negotiations with Dawnay Day.

- 4.9.10 The risk that any short-term solution may acquire a degree of permanence does not disappear. However, if Cabinet is minded to pursue this approach, careful consideration of a solution should seek to integrate it with any longer term redevelopment aspirations.
- 4.9.11 It is difficult to conceive of an effective approach to the implementation of a short-term scheme which could involve the transfer of significant responsibility to a third party (for example under a lease). Therefore, this approach would entail the Council incurring capital and revenue costs for the duration of the scheme.

4.10 Strategy issues

- 4.10.1 For Cabinet, the key issue is to consider whether or not it believes there may be a *workable* scheme (and this will apply as the context requires to both long and short term schemes). It is axiomatic that there is no scheme which could be implemented which would satisfy the demands of all stakeholders – as these are various and frequently mutually exclusive. Additionally, in common with many situations featuring “single issue” or “pressure group” politics, these may continue to evolve and fragment.
- 4.10.2 The minimum characteristics of a workable scheme would be that it: -
- would not prejudice the further implementation of T1 (particularly significant for consideration of short term options)
 - would be in accordance with T1 (or that any departure from the policy be justified)
 - would seek to address (including clarification if necessary) the planning difficulties of previous schemes
 - would in all likelihood need to seek enabling development commensurate with the planning policies applicable to the site
 - would (on prudent assumptions) be financially viable and deliverable and would factor in contingency at the outset to manage risks to either of these
 - Would secure an appropriate level of public benefits in the context of the site constraints and the type of development proposed
- 4.10.3 If having considered this report and any representations made at this meeting Members consider that a workable scheme using the above criteria is improbable, Cabinet is advised to resolve that the site be disposed of in line with the advice provided at section 4.26 of this report.
- 4.10.4 On the other hand, if Cabinet believes that a workable scheme using the above criteria is likely to be achievable, it is advised to resolve the principles for a further scheme (or schemes if it wishes to pursue a short and long term option). The principles are likely to be at a “strategic” level.
- 4.10.5 If Members resolve to pursue a further scheme they may also wish to give consideration as to how at a “high level” they should adopt a “risk management” strategy which reflects their view of any lessons which might be drawn from the Council's previous attempts to redevelop the site.

4.11 The Council's title to the site

- 4.11.1 Members should note that the Council retains the freehold title to the site in the plan at **APPENDIX H** and that this is unencumbered by restrictions on the use of the land for "public leisure" or "public open space". Likewise, there are no restrictions linked to the original funding arrangements for the purchase of the site nor covenants which would restrict a sale on the open market. In addition, the Council's title to the land has recently been registered.
- 4.11.2 The Council has statutory responsibility for the management of assets owned by the Council and this includes consideration of land disposal.

4.12 Council's financial position

- 4.12.1 For many potential options which might be pursued (but especially short-term schemes), there would be a requirement for Council capital funding. This is a critical consideration.
- 4.12.2 The Council's current financial position is very limited and, on prudent assumptions, is likely to continue in a similar vein.
- 4.12.3 In revenue terms:
- the Council (like most local authorities) will continue to face increased demands for services
 - the Council has recently been concerned at the prospect of an unfavourable financial settlement from central government
- 4.12.4 In capital terms:
- most known resources are already allocated to planned schemes
 - on current predictions, these resources are likely to be fully used at the end of 2005/6
 - the Council has a backlog of fundamental infrastructure works
- 4.12.5 If Cabinet sought to pursue a scheme which required some form of Council capital funding, the Council would also need to fund the operating and project development costs.
- 4.12.6 On short-term schemes in particular, there are also likely to be revenue implications.
- 4.12.7 On capital funding and project development costs, these would need to be funded from within the capital programme for short-term schemes. However, if Cabinet resolves to pursue a long-term scheme, it is advised to identify that the Council's costs should be reimbursed from within the scheme.

4.13 Compliance with section 123 of the Local Government Act 1972

- 4.13.1 Section 123 of the Local Government Act 1972 governs the disposal of land held by local authorities for most purposes, other than planning purposes, and would apply to all of the proposals suggested by third parties which entail the disposal of an interest in the Council's land.
- 4.13.2 Section 123(2) requires that an authority shall not dispose of land for "a consideration less than the best that can reasonably be obtained" unless:
- (a) a lease for a term of no more than 7 years is being granted

- or assigned; or
- (b) the Secretary of State has given consent to the disposal.

- 4.13.3 Certain general or "blanket" consents are available for the disposal of land subject to section 123 of the 1972 Act at less than best consideration. These are known as "The Local Government Act 1972 General Disposal Consents 1998". Where none of these general consents apply (or if the land is held for planning purposes), specific consent from the Secretary of State would be required to authorise disposal of land at less than best consideration.
- 4.13.4 "Consideration" for the purpose of section 123 means money or items which have a commercial or monetary value which is capable of being assessed by those expert in the valuation of land. Thus, "consideration" might include not only a cash payment, but other land provided in exchange to a local authority, but would not, according to the case law, include the benefits of a socially desirable use, or the benefits of job creation offered by a prospective purchaser. (However, socially desirable uses can be significant factors for local authorities when considering the disposal of their land, as explained below.)
- 4.13.5 "Reasonably" obtainable means that the local authority is not bound to go to extreme lengths or act improperly in seeking to obtain the best price.
- 4.13.6 "Best consideration" is not necessarily the same as market value. For example, where the land has additional value to a special purchaser, the higher price that party is prepared to pay would normally be the "best" consideration.
- 4.13.7 There is no express requirement that a local authority should seek competitive offers for its land in order to satisfy Section 123 of the 1972 Act. However, this is often considered to be the most effective way of demonstrating that the requirements of Section 123 have been satisfied.
- 4.13.8 The market value of the site has been estimated to be in the region of £4-5million (by Donaldsons), on the basis of the planning policies which apply to this land (but this would be subject to more detailed assessment).
- 4.13.9 Therefore, in the case of the Twickenham Riverside Terrace Group (TRTG) proposals (for a lease of 25 years say at the grant of a peppercorn) and the Twickenham Society Co-ordinating Group proposal that the Council consider the grant of "nil value" lease as "matching funding" for charitable or philanthropic purposes, both propositions are likely to entail the need for ministerial consent to dispose at less than best consideration for the purpose of compliance with section 123 of the Local Government Act 1972.
- 4.13.10 The Council has received legal advice that:
- (a) it would need to obtain the consent of the Secretary of State if it is proposed to dispose of the Council's land at less than the best consideration reasonably obtainable, (once the final terms of any such proposal had been established); and

- (b) the Council would first need to be satisfied that the terms proposed for any disposal at less than the best consideration reasonably obtainable as regards securing benefits to the “community” are such as to justify foregoing a considerable part of the cash payment to the Council as the price for its land.

4.13.11 It is important to bear in mind that even where the consent of the Secretary of State is to be sought (or a local authority intends to rely on one of the "blanket consents" in the General Disposal Consents 1998), a local authority must still fulfil its fiduciary duty to local tax payers. The authority must satisfy itself (and the Secretary of State, if express consent is to be sought), that there are substantial reasons in the public interest for disposing of the land for a monetary consideration which is less than the best that can reasonably be obtained and that the benefits to the local community which would be secured are commensurate with the amount in cash to be foregone.

4.13.12 A common example of such a situation is where a local authority identifies a substantial benefit to its local community in disposing of land for a particular use, for example as a leisure centre, in the face of a competing bid for a purely commercial use with a higher value (where both uses would be authorised in planning terms). If the Council wishes to accept the lower bid it may well be justifiable to seek the Secretary of State's consent to authorise the sale to the lower bidder. However, a local authority must first consider whether the public benefits which would accrue from the particular land disposal would warrant such an approach, in the light of the difference in price offered and the nature and scope of the public benefits offered.

4.13.13 For the TRTG scheme and the principles espoused by the Twickenham Society Co-ordinating Group, it is not possible at this stage to accurately assess the extent of any community benefits which might be ultimately secured and whether or not the Council would be justified in foregoing part of the cash price for the purposes of compliance with the requirements under Section 123 of the Local Government Act. However, Cabinet is requested to note that, on the basis of the information currently provided by both groups, the proposed disposals would be ones which the consent of the Secretary of State would be required.

4.13.14 For the TRTG proposal, a potential grant making power (for a capital grant to pursue the scheme) would be Part I of the Local Government Act 2000 (a general power linked to supporting environmental and social well being), but this should link quite specifically to the Community Plan. Alternative and more specific powers may apply, but if Cabinet is minded to pursue the TRTG option, this would need to be considered in more detail since this report identifies elsewhere that there are other issues which would need to be resolved to implement the scheme.

4.14 Detailed scheme features

4.14.1 The planning policies which apply to the site are not the subject of consideration at this meeting, If Members do not wish to sell the land under option (d) the scheme-specific issues which Members might consider for any detailed revision of the approach to redevelopment could include:

- The scope of land ownership to be included within a potential scheme – either the whole T1 footprint, the Council land only or some combination of the two
- Site value and the approach Cabinet wishes to adopt in relation to the scheme overall – relating to capital receipts and revenue
- The degree to which any revised brief will envisage a “self-financing” scheme (in capital and revenue terms)
- Any particular statutory requirements (e.g. the Disability Discrimination Act)
- The nature of any design features intended to encourage “permeability” of the site
- The nature of the relationship between the Council owned site and other land within the T1 proposal boundary (e.g the link to King Street)
- The extent to which any scheme would be expected to adapt to any future changes to the arrangements in the town centre
- Issues relating to the planning policy framework generally and any related requirements linked to the emphasis of the conservation area, river emphasis, Thames landscape, Planning Inspectors reports etc
- Height, massing and scale issues
- Gradient issues at the site
- The level and nature of parking required, its location and the nature and responsibility for any obligations pertaining to it
- The requirements to modify any existing parking arrangements and the nature and responsibility for any obligations pertaining to it
- The requirements to modify any existing pedestrian arrangements (or to make new arrangements) and the nature and responsibility for any obligations pertaining to this aspect
- Any public open space requirements
- The uses on the site (and the extent to which these are to be “enabling” of other development)
- Essential facilities to be provided – whether commercial, public or both and any design constraints or limits (e.g by volume) to the facilities
- Features or requirements designed specifically to provide facilities closely linked to the river
- Any proposed local environmental improvements
- For existing tenants at the Council owned site, a statement of intent as to the tenure position in the context of any future redevelopment
- The proposed procurement method for the scheme
- Any risk transfer arrangements (if a third party is envisaged)
- The future management arrangements for the site
- The nature of any regenerative benefits
- Traffic movements
- The public procurement issues which apply
- Other incidental and related matters.

4.14.2 However, aside from the option to sell the land, proper consideration of these matters for any other scheme would require a detailed appraisal and further reports. Therefore, in considering these matters, Cabinet is advised at this stage to identify only broad principles. This is with the possible exception of revision to the existing development brief scheme (see section 4.18).

4.14.3 On this point, Cabinet should also bear in mind section 4.5 of this report which examined the relationship between the development brief and the planning policy for the site. This concluded that many of the above matters of detail are themselves, material factors in the planning process and that there is no

statutory requirement for the Council to consult in detail on a development brief.

4.15 Issues to be taken into account in reaching a decision

4.15.1 Members are asked to reach a view on the contents of this report and any representations made and to reach a view on whether to:

- (a) Pursue an alternative large-scale redevelopment within the confines of the existing development brief or by revising the existing development brief.
- (b) Pursue an alternative large-scale redevelopment in accordance with an entirely revised or entirely new development brief.
- (c) Pursue a smaller scale redevelopment designed to satisfy the Council's wider obligations and the key planning difficulties of previous schemes to redevelop the site.
- (d) Sell the land.

4.15.2 Members are presented with a comprehensive report on the options for the redevelopment of Twickenham Riverside and have also been advised on the relationship between the development brief and planning policies as well as factors which are relevant to the consideration of short and long term approaches.

4.15.3 The aim of this section of the report is to give guidance on the approach to making this decision, in accordance with the relevant legal principles and the Council's Constitution.

4.15.4 Article 13 of the Council's Constitution identifies that all decisions of the Council are to be made in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation, and the taking of professional advice from officers;
- due consideration of the interests of residents and other stakeholders;
- due process;
- in accordance with legislative requirements;
- respect for human rights;
- a presumption in favour of openness; and
- clarity of aims and desired outcomes.

4.15.5 These constitutional principles and the advice which follows should guide the Cabinet in its consideration of this report and its decision.

4.15.6 At the heart of this matter is a decision by the Council on whether the Council wishes to sell its land at the Twickenham Pool site or otherwise pursue its redevelopment – in a variety of potential schemes.

4.15.7 The nature of the subject matter, and the various interests of third parties in the decision means that Members should take account of public law principles in reaching their decision. Those principles include what are known as the Wednesbury principles of "reasonableness", which require that Members take into account all relevant considerations, disregard irrelevant considerations and do not come to a decision which no reasonable authority could reach.

- 4.15.8 A wide range of relevant factors are outlined in this report along with numerous suggestions and proposals from third parties as to the potential uses for the Twickenham Riverside site. Certain factors might appear to draw Members to opposing conclusions and not all of these factors will be given equal weight in reaching this decision. It is for Members to decide (on a rational basis) the comparative weight to be attached to the various relevant factors. In addition, the suggestions and requests made by third parties relating to the use of the site are to a significant degree, incompatible.
- 4.15.9 The interests of local taxpayers and the cost implications of decisions are significant considerations in virtually all-local government decision making. The Council must act in accordance with the requirements of the Human Rights Act 1998, including reaching proportionate decisions where one of the rights protected by the European Convention on Human Rights might be infringed. Where the substantive rights of individuals would be infringed by a decision, there must be substantial reasons in the public interest which outweigh those rights.

4.16 The Options and their Appraisal

- 4.16.1 In the case of potential short-term options, this report argues that none have really been proposed to the Council by third parties (since even those which might be held to be “stopgap” solutions could, in the absence of significant Council capital and revenue funding, take quite some time to implement as funding would need to be sourced elsewhere).
- 4.16.2 Therefore, to provide Members with a spread of options, the Council’s Project team has also generated a number of potential short-term options for Twickenham Riverside. These provide Members with basic information on potential concepts and schematic design and estimated capital costs. If one of these solutions were implemented, Cabinet is reminded that it is considered impractical to seek the transfer of any particular responsibility to a third party for the duration of the scheme. The options are at section 4.25.
- 4.16.3 The long-term options available to Cabinet are identified as:
- (a) Pursue an alternative large-scale redevelopment within the confines of the existing development brief or by revising the existing development brief.
 - (b) Pursue an alternative large-scale redevelopment in accordance with an entirely revised or entirely new development brief.
 - (c) Pursue a smaller scale redevelopment designed to satisfy the Council’s wider obligations and the key planning difficulties of previous schemes to redevelop the site.
 - (d) Sell the land.
- 4.16.4 Therefore, in the light of the above decision options Cabinet is advised to consider its decisions in terms of the schema identified in paragraph 4.16.6.
- 4.16.5 Under (a)
Consider the request from Dawnay Day that Cabinet identifies whether there are modifications to the previous Dawnay Day scheme that might address “specific concerns of the Council (see section 4.18.)
- 4.16.6 Under (b)

Consider the submissions made by:

- The correspondence from St George (section 4.19)
- The private individuals (**APPENDIX I**)
- The schematic schemes submitted by HTP and Dawnay Day (**APPENDICES J and K** respectively – section 4.7.4 is also relevant to the Dawnay Day submission).
- Note the interest of property agents and developers and, if an alternative redevelopment is pursued, these parties will be notified of the Councils intent and (if appropriate at the time) contacted in the context of the further scheme (the letters are also at **APPENDIX I**)

4.16.7 Under (c)

Consider the submissions made by the Twickenham Society Terrace Group, The Twickenham Society Co-ordinating Group and the Laura Sevenus Swimming School

4.16.8 In addition, Cabinet should consider under (b) and (c) whether it wishes to pursue a short-term scheme at the site. Examples of possible short-term schemes are shown at section 4.25.

4.16.9 Section 4.26 provides detail of the sale option.

4.17 The Appraisal Criteria

4.17.1 Members should note that at for each of the options appraised, the degree of detail provided can vary considerably. This is due to the fact that some suggestions made to the Council are, themselves, only matters of principle or, highly indicative and schematic scheme drawings. Therefore, matters of principle are generally dealt with as matters of principle. On the other hand, some suggestions put to the Council are of a highly detailed nature and, generally, where this is the case, a more detailed appraisal of the particular suggestion is provided. In certain cases, a where a suggestion is not particularly compatible with the appraisal criteria identified below, the appraisal is addressed in the narrative section of the report rather than in a separate appendix providing a detailed appraisal. In cases of late submission of material (if time did not permit its consideration) Members will be provided with further information, if necessary, at the Cabinet meeting.

4.17.1.1 Members will recall that a key reason for their July 2002 decision to terminate negotiations with Dawnay Day was a concern that the scheme was of doubtful viability and there were factors which could continue to impact on the viability of that scheme and the public benefits expected within it. Therefore, in considering potential options for Twickenham Riverside, Members should pay particular attention to the consideration of these matters (in so far as the information currently available permits) when reaching a decision on any preferred option.

4.17.2 Financial viability

Financial viability is the most fundamental assessment criteria for any scheme. The definition of financial viability used in this report is:-

- The likelihood that any proposed scheme will cover the costs of its own implementation or, (where these would need to be met otherwise than from income/profit generated within the scheme), that there are existing

sources of finance which might be able to provide such funding within a reasonable timescale.

- Assuming (as is mostly the norm) that Cabinet will wish to recover the Council's legitimate project operating/implementation costs from any scheme, the extent to which any scheme demonstrates the potential for such cost recovery within a reasonable timeframe.
- The degree to which the capital costs of the scheme will be met without additional contribution from the Council (possibly over and above the expected land value of the site).
- The degree to which any proposed scheme (or significant aspects of it) is exposed to external financial sensitivities.
- The extent to which any proposed scheme will be able to cover the revenue costs of its own operation including, (but not limited to) maintenance, lighting, security, ongoing refurbishment etc.
- Whether the scheme is likely to meet the Council's obligations under section 123 of the Local Government Act 1972.

4.17.3 Deliverability

In broad terms, this means the extent to which, distinct from considerations of financial viability, the proposed arrangements are likely to result in a successful scheme. This can be broken down into a number of elements, which include: -

- Whether any of the proposed delivery mechanisms are replicable and tried and tested (for example the legal organisational arrangements and whether the rationale for their use in this case is justified/compatible with this scheme).
- The extent to which anybody or person charged with delivering a scheme has a corporate history of success in managing and delivering such proposals (in any aspect).
- The extent to which any proposed delivery mechanism (for example leasing and ownership arrangements) is properly compatible with the Council's aims and obligations.
- The extent to which any third party may acquire influence over what is currently a publicly owned site and the risk profile of the transaction (including risk of scheme failure, financial or other benefits which may flow to the Council or the public at large from the proposed scheme).
- The degree of complexity of the proposal – the history of the site demonstrates that there have already been a number of failed attempts to redevelop and, all other things being equal, a (relatively) low level of complexity may be a factor which lends weight to a particular option
- The level of contingency within any option (for example the extent to which the success or otherwise of any proposal may be linked to events which cannot be controlled by the Council or any third party).

4.17.4 Public utility/amenity/benefits

The public utility/amenity/benefit of potential options considers the nature of any *usefulness* which might flow to members of the public within any option and the extent to which the option might be held to *improve* public amenity in the widest sense.

4.17.5 The nature of any public utility/benefit within the scheme is assessed according to what may be deduced at this stage. Members are also advised to consider this aspect of the appraisals in the light of section 4.6 of this report, which provides an overview of key issues in the debate on Twickenham Riverside and. Specifically, an analysis of the concept of “public benefits”.

4.17.6 Value for money

The value for money is assessed to consider, at a high level, how the potential financial (and any other) costs might compare to its financial (and any other) benefits. This can be a simple analysis of what will be delivered against the proposed costs (including any ongoing revenue costs where applicable). Where possible, the appraisal also considers the cost of implementing the scheme against a number of other relevant factors – including timeframe and its interaction with other aspects of the option.

4.17.7 Scarcity and resource allocation

Bearing in mind that Council land for potential redevelopment is always likely to be a scarce resource within the Borough, the appraisal of scarcity and resource allocation addresses the degree to which any proposed option is likely to result in facilities, amenities or benefits which would address issues of under supply or excess demand

4.17.8 Congruence with policy framework

This is assessed in overview format. For many potential options, which appear at this stage to be matters of principle, more detailed work would be required to consider the precise impact of any potential scheme in the context of all Council policies. Therefore, at this stage, the appraisal considers “key note” policy issues – and in some cases, this is limited to UDP policy T1. Members should note that in the majority of cases, the information provided would be subject to the Planning Authority receiving more detailed and fully worked proposals. This is an initial appraisal only.

4.17.9 Synergy and regenerative benefits

The term “regenerative” appears to have many different meanings as applied by different stakeholders in the debate on Twickenham Riverside. However, the degree to which any option may have “synergistic” effects is explored. For example, consideration is given to whether or not any scheme might have a positive effect for: -

- The local town centre and economy generally.
- Services that fall within the statutory responsibility of Local Authorities.
- The provision of “social, leisure or cultural capital”.

- The development and maintenance of inclusive communities.
- Any particular group within the local population that might especially benefit from the proposed scheme.

4.17.10 **Level and type of recipients**

This aspect of the appraisal considers the likely numbers of people to directly benefit from the scheme (by making use of its facilities) or those who might benefit at a distance.

4.17.11 **Originality or duplication**

The option is examined to explore whether aspects of it are either already reasonably available to the local population or whether the scheme in question would provide an original use for the site.

4.17.12 **Natural constraints**

Consideration is given to the extent to which there are constraints (natural or otherwise) which might impact on a potential option (or any significant element within it). This factor also considers the extent to which any proposed uses or benefits can be considered to be inclusive (or potentially elitist, divisive or “special interest”).

4.17.13 **Economic fundamentals**

Cabinet will note that for many potential options identified in this report, these would involve the provision of some form of service – and, in a number of cases, rely on fees from the public. As part of its overall consideration, Cabinet should consider the extent to which there is a “natural market” for any scheme overall or the particular elements within it. This is a critical factor since it would be in nobody’s interest for a scheme to be implemented which failed to attract a sufficient degree of use or interest because the services proposed within an option might not prove to have a sufficiently robust demand profile *at the location proposed*. The test is to consider whether there is likely to be a reasonable demand for the proposed uses or facilities within any option and any potential risks to such continued demand. In particular, it is important for Cabinet to consider whether or not any proposed scheme (or element within it) is predicated on demand following supply.

4.17.14 **General risks**

Throughout each of the appraisal criteria, risks are identified under each applicable heading that is appraised. However, there is a further risk appraisal to capture information that may be excluded from the other categories.

4.17.15 **Legal and contractual issues**

Proportionate to the degree of information currently available for each option, there is an overall appraisal of general legal and contractual issues which could be pertinent. In a general way, this section covers whether or not a recognised procurement mechanism exists for the proposed option, compatibility with the Council’s decision-making powers, and the identification

of any immediate issues which would require clarification were the option to be selected as a preferred option.

4.17.16 Public law and commercial best practice

Where the legal and contractual appraisal does not capture the required information, a separate section of the appraisal provides information on compliance issues relating to the Council's Public Law obligations and commercial best practice in the matter of Council development of its land.

4.17.17 Timeframe

This differs according to whichever option might be pursued. In particular, the extent to which any timescale may require clarification due to contingent events/funding issues is assessed.

4.17.18 Permanence

The potential finality or permanence of each option is assessed to determine whether, if it were implemented, it might eventually prove to be an obstacle to longer-term redevelopment.

4.17.19 Where there is a publicly expressed opinion on any particular option, an overview of it is provided in the body of the report. Where options have not been exposed to public scrutiny this is not addressed.

4.18 Dawnay Day request for modifications to its scheme

4.18.1 **APPENDIX L** contains the relevant correspondence exchanged by Dawnay Day and the Council since July 30 2002.

4.18.2 Various in its responses Dawnay Day notes that it "reserves its position as the Council's preferred development partner" and "does not accept that there is any valid reason for the (termination of negotiations) and is considering its formal response".

4.18.3 One of the options before Members is to consider the requests in the correspondence for the Cabinet itself to make proposals to revise the now terminated Dawnay Day scheme.

4.18.4 Generally, Dawnay Day has stated that it is willing to explore how its scheme might be modified on the basis of any "specific concerns" the Council might have. The request has been reiterated. This can be considered as a request within option (a) or (b) above (large-scale redevelopment within the existing brief, or an alternative brief). The Dawnay Day submission of schematic drawings for a revised scheme is also relevant. The request also appears to presume the resumption of negotiations.

4.18.5 The July 2002 report to Cabinet provided Members with extensive correspondence between the Council and Dawnay Day since May 2002. Members discerned at the time that the company appeared to suggest that its scheme ought to be modified – without suggesting how this might be done or setting forth any proposals. Where there was a concrete example of such an approach (the company's planning consultant contacted the Development Control Manager to explore whether the Council might be sympathetic to a

“more modest” scheme), the approach was disowned by the company as being “unauthorised”.

- 4.18.6 Dawnay Day has repeatedly stated that it believes its scheme complied with the Council’s development brief and that the previous scheme was viable and deliverable. On the basis of the evidence made available to it, Cabinet resolved that the concerns on viability, deliverability of public benefits and likelihood of reaching consensual terms were of such concern that negotiations should be terminated. As Members will recall, Dawnay Day had received the draft final report of the July 30 2002 meeting some ten days in advance of the meeting (although the company subsequently implied that this was a very limited time in which to scrutinise it). The draft report was subject to only very minor alteration before being published in its final form. Significantly, Dawnay Day did not identify any material inconsistencies in the report.
- 4.18.7 Additionally, Dawnay Day was made aware of the structure and headings of the report which was presented to July 30 Cabinet as early as July 2 2002. These headings formed the basis of the full appraisal of the scheme, which was the subject of the July 30 2002 Cabinet meeting. Dawnay Day had the opportunity to independently consider the “relative balance of uses” in response to its own analysis of any “specific concerns” it might have had in relation to the headings which would be used (or any other matters). In pertinent correspondence, the company was repeatedly asked if it wished to identify any proposed modifications, but it declined to do so.
- 4.18.8 Cabinet is advised that, having now terminated negotiations with Dawnay Day on the previous scheme, the public procurement aspects of any further discussions with the company would need to be explored in detail if Cabinet were minded to engage in such discussions. From a preliminary analysis, there does not appear to be a clear route which would allow this to occur.
- 4.18.9 For Members critical considerations in assessing this proposal are:
- The extent to which Members would have confidence that entering into further discussions with Dawnay Day would result in a viable or deliverable scheme. By virtue of its July resolutions, Cabinet expressed that it was not confident.
 - Cabinet should consider, on the basis of the evidence in the July 2002 Cabinet report, whether it would be confident that it would be possible to reach satisfactory contractual terms within a reasonable timescale.
 - Since a reopening of negotiations on the existing development brief would be “open ended” there is no way of knowing what the precise contents of any proposed scheme might be and Cabinet should also refer to section 4.21 on the pros and cons of comprehensive redevelopment as additional guidance.
- 4.18.10 The report to July 30 2002 Cabinet provided Members with a wide ranging appraisal and significant evidence, so, in considering this request, Members should also consider whether there is any “new” evidence or information which might lead them to conclude that reopening negotiations would be desirable.
- 4.18.11 Having now terminated negotiations and identified clearly the reasons for doing so, Members are not compelled to comply with the request.

- 4.18.12 There is also a compelling argument that the existing development brief is so tied to previous discussions with Dawnay Day and its own land ownership and evolving designs (for example, the brief was modified in February 2001 to ensure these matters were accommodated) that unless Members resolve to pursue this option with Dawnay Day, the existing development brief will be defunct.
- 4.18.13 On the matter of redeveloping its own land, Dawnay Day has reasserted that it is committed to doing so. This includes the Abbey National car park which Dawnay Day envisages as being “possibly” developed in partnership with the Council. Presumably, this also covers the possibility that Dawnay Day may wish to pursue the redevelopment of that site distinct from the Council.
- 4.18.14 On this point, Dawnay Day is clearly a very significant stakeholder within Twickenham Town Centre and if the Cabinet pursues any option other than revising the development brief, there is no reason that any future scheme for the development of the Council’s land should not involve liaison with Dawnay Day. However, this is clearly a separate matter from the proposition considered above.

4.19 Correspondence received from St George

- 4.19.1 St George responded to the Council’s request for interested parties to propose suggestions in a letter from the Managing Director on August 12 2002 (at **APPENDIX M**).
- 4.19.2 The response from St George notes that the company worked closely with the Council over a long period and that, in its view, it had consistently stated that the development brief was very prescriptive.
- 4.19.3 The company expresses the view that the Twickenham pool site is one which deserves a scheme worthy of all the parties involved and one which St George believes it could work with the Council on to produce a viable scheme which would win the support of stakeholders.
- 4.19.4 In that regard, St George expresses the view that it “remains the Council’s preferred under-bidder and would welcome the opportunity to present fresh proposals”.
- 4.19.5 Cabinet is advised that any further approach to St George on the redevelopment of Twickenham Riverside should only occur in the context of a new scheme and the Council’s obligations under the relevant European Procurement Regulations.
- 4.19.6 This is particularly so since negotiations with Dawnay Day (as described in the July 2002 report) have been terminated and the participation of St George was a matter of negotiation between the two companies.

4.20 Submissions made by private individuals, agents or property developers

- 4.20.1 The submissions made by private individuals broadly state aspirations for the Twickenham Pool site or uses to which any disposal receipt might be put. These can be considered as options (b) and (c) according to the scope of the

suggestions. If Cabinet is minded to pursue a scheme with a revised development brief, it is requested to note these submissions in its consideration. Cabinet is likewise requested to note the expressions of interest from property developers and agents which might wish to work with the Council should it choose a future scheme for redevelopment (see **APPENDIX I**).

4.21 Comprehensive Development within T1 envelope

4.21.1 A review of the options for the future of Twickenham Riverside would not be fully complete without considering a comprehensive development within the T1 land envelope. “Comprehensive redevelopment” means an approach to development which would ultimately result in all of the land within the T1 policy being redeveloped – with the objective that the redevelopment would be harmonious.

4.21.2 The boundaries of Proposal T1 are as shown on the plan at **APPENDIX F**. It includes the Twickenham Baths site, 1–33 King Street and the former Water lane car park, which has now been developed for social housing.

4.21.3 Members are reminded that policy T1 has a number of objectives;

- Development in harmony with the small scale and domestic aspects of the conservation area
- Emphasis towards the river but also the potential to link the town centre to the riverside
- Provision of a broad range of leisure activities for the community and increased opportunities to enjoy the riverside
- Housing should include a substantial element of small units
- Improvement of servicing to King Street properties
- Important trees to be retained
- Environmental improvements to King Street shopping parade
- Replacement of public conveniences
- Limited car parking
- Closure of Embankment to car parking and removal of car parking
- Consideration of the provision of a landing stage.

4.21.4 T1 does not explicitly envisage the redevelopment of the King Street frontage at this stage and several planning applications without such redevelopment were approved by the Planning Committee (the Twickenham Riverside Terrace Scheme) and the recent Dawnay Day scheme (where the planning authority was minded to grant consent).

4.21.5 Comprehensive redevelopment within T1 would not have to be in accordance with the current development brief, which is compatible with T1 whilst providing more detailed guidance.

4.21.6 The potential benefits of this approach might be;

- It is the most wide ranging development option, providing the opportunity to deliver a fully integrated development solution to the Twickenham Riverside area.
- It would provide the opportunity to consider the redevelopment of the King Street frontage as part of a comprehensive scheme.

- The development could have a high critical mass and provide a major regenerative boost to Twickenham town centre (although the July 30 2002 report identified that there is unlikely to be a significant “blue chip” retail interest in Twickenham)
- A comprehensive development could provide the opportunity to maximise the level of public benefits produced by any scheme – but previous attempts to develop on a smaller scale appear to have led to intractable debates on public benefits
- A comprehensive development could provide the opportunity to achieve an integrated transport solution in and around the site.

4.21.7 The disadvantages of this option are likely to be;

- A new (and wide-ranging) development brief might be required – and its production could take a considerable period.
- The T1 site involves many landowners and occupiers, whose agreement would need to be obtained to a comprehensive redevelopment – and there is a possibility that this could be an obstacle to implementation
- For example, if agreement could not be reasonably obtained then compulsory purchase powers may have to be used – which may prove unpopular
- Viability may be difficult to achieve, particularly if any proposal includes the redevelopment of the King Street frontage. It is not clear that town will attract the level of retailer which might be a spur to such development
- The overall impact is likely to be an extended timescale with the associated risks
- During the course of such a scheme, there may be a need to clarify the planning guidance for a comprehensive scheme.

4.21.8 There is also the common sense observation that three previous attempts to redevelop only part of the T1 site have failed in just over a decade. It does not follow that increasing the scale and complexity of the approach would result in a more successful result.

4.21.9 Cabinet should also consider the pertinent points made in section 4.18.

4.21.10 Whilst there might be a number of interesting conceptual approaches which could be pursued, on closer inspection, these might prove to be non-viable. For example, within a comprehensive redevelopment which sought to adjust land levels within T1, it is conceivable that there could be an opportunity to create a view of the river from the high street. However, it is clear that this would be likely to be non-viable due to the high opportunity costs of removing the required level of frontage and the need to recover its value with enabling development – which might prove a serious obstacle in planning terms.

4.21.11 This option is open to Members, but Cabinet is advised to consider it carefully.

4.22 Twickenham Society Co-ordinating Group – Rethink on the Riverside

4.22.1 **APPENDIX N** provides a discussion paper, subsequent correspondence, schematic plan and other items pertinent to this submission. This was submitted on behalf a range of local amenity societies. These grouped together for the purposes of the planning inquiry into the Dawnay Day

scheme. Since this was submitted as a “discussion document” its appraisal (at **APPENDIX N**) follows a similar format.

4.22.2 The societies represented are:

- Twickenham Society
- The Eel Pie Island Association
- The Environment Trust for Richmond-upon-Thames
- Friends of Twickenham Green
- The Marble Hill Society
- The Strawberry Hill Residents Association
- The Twickenham Riverside Terrace Group
- York House Society

4.22.3 The paper was produced by the Chair of each organisation and is currently the subject of more detailed discussion within the amenity groups.

4.22.4 A number of the individuals who have contributed to it have been involved in attempts to redevelop the Riverside for some time – including some who participated in the working parties whose reports are at **APPENDIX G**.

4.22.5 In essence the discussion paper can be reduced to the following key statements:

- Schemes which rely on underground works are less likely to be viable – therefore, the Council should pursue a scheme where works are above ground
- The fundamental reasons for many schemes having failed is that they were of too large a mass and scale
- Previous experience has shown that it is not possible to fund a large scale “public asset” from enabling development and still meet the need for developer profit and financial viability
- Therefore, the Council should separate enabling development from the provision of a public asset
- There is a proposal that the Council can choose from a number of “low scale river related” schemes
- Initially, this would involve a developer clearing the site and building housing (but at a minimal level) which would enable further site clearance
- Thereafter, the paper proposes that charitable (etc) funding could be sought for a public asset or that further enabling development could take place to enable “publicly acceptable” facilities
- The group has outlined a design concept
- On design, the group proposes that it would not wish to be involved in further detailed consideration but to devolve responsibility to a local architect for appointing a developer and detailed design of the scheme.

4.22.6 The paper provides an insight into the thinking of those members of the public who have had most experience and expertise on these matters. Some have spent very significant time on these matters over a period of years.

4.22.7 On the face of it, a number of the propositions appear reasonable. For example:

- Seek to reduce scale of development to prevent planning difficulties
- Link this to the need to minimise the scale of enabling development

- Adopt an incremental process whereby a form of consultation would determine what might be built or publicly acceptable.
- 4.22.8 However, the principles drawn up for “river related and low scale” development allow for a large number of possible schemes and this is evidenced by the contrasting nature of the TRTG proposal and the outline design proposed by the group overall.
- 4.22.9 Whilst the paper distils a large number of issues into a format which might be workable in several respects – it also appears to reveal the divergent views of stakeholders on this matter. For example, there are a number of propositions which Members might wish to consider in the light of the “workability” criteria identified in section 4.10.2 of this report. These include:
- A restriction on enabling development to social housing – which would significantly increase mass and scale compared to a mix of public and private housing (this would contradict a key objective)
 - Suggestions that enabling income might come from markets etc (which appears largely unrealistic)
 - A suggestion that the emphasis of all development should be “river related” (may rely on benign assumptions as to demand/intensity of use or be perceived as “special interest”).
- 4.22.10 The paper proposes that the Riverside should continue to be distinct from the town centre as a “haven” – but this approach could carry a consequent risk that the site may not attract the range of leisure uses which appear to be envisaged by T1, with potential security/safety risks.
- 4.22.11 The paper also proposes that there should be separate planning guidance for the King Street frontage as it relates to T1 – which might run contrary to the strategic aspirations of the UDP proposal.
- 4.22.12 In common with many other proposals suggested over the years, the approach might be judged to selectively target actual uses within T1– for example, with an apparent strong emphasis on river activities. The intention of T1 does not appear to be to reduce the redevelopment of the site to fundamental components of the policy – rather to take an overall view of the potential benefits proposed within any particular scheme. It is clear that T1 may have a wider scope than the proposals identify.
- 4.22.13 The general approach identified to funding is an interesting one (enabling work followed by site clearance with further incremental development funded by subsequent enabling or philanthropy). The notion of charitable or sponsorship funding at the site has been discussed many times – but explored little since the Alsop/Zogolovitch lottery bid.
- 4.22.14 Whilst the original submission indicated that it was premature to discuss design details, the Group subsequently submitted a design statement (in response to clarification questions from the Council). Broadly, this proposes a two-phase development (Twickenham Waterfront) and can be summarised as:
- Low scale level enabling development (residential and retail) for site clearance/landscaping as phase of a new scheme (TW1). Closure of Embankment to traffic and its relocation at the rear of the site.

- Consultation on public facility and independent fundraising in parallel with phase 1 – underpin phase 2 (TW2)
- The emphasis of the scheme is low scale, mixed use, open space, amenity areas for markets etc, emphasis on permeability, leisure uses and river related activities.

4.22.15 Cabinet should note that the detailed arrangements proposed by the Group for further design of the scheme may not be compatible with the Council's Standing Orders, EU procurement regulations or Council Constitution - and possibly, not in the interests of such a scheme itself (due to a possible perception of conflicting interests). This is a matter which can be explored in more detail if Cabinet were minded to pursue this option.

4.22.16 The approach proposed by the Twickenham Society Co-ordinating Group is commendable for its scope and the analysis of what the Group identifies as the constraints of previous attempts to pursue the redevelopment of the Riverside. If Cabinet wishes to proceed with a further scheme for the site, it can consider whether it wishes to reflect any of the principles identified in its own aspirations.

4.22.17 On financial viability, ostensibly the principles are soundly based. However, it is important to note that the level of enabling development actually required to clear the site and fund "enabled" uses has not yet been tested. It may be that the level of enabling required (and the mix of uses to comply with T1 in such a "permanent" scheme) might not be compatible with some public expectations of "appropriate scale". Additionally, whilst the underlying principle (of enabling for site clearance) appears sound, there are aspects of the paper which do not support the viability equation in the same way (e.g. possible supply led demand for services/facilities and income generating uses which could not be relied on for significant revenue).

4.22.18 The deliverability of this proposal would be subject to:

- An approach to procurement which would be compatible with the Council's constitution and the EU procurement regime
- Clarification of all aspects of the proposal which appear to be incongruent (e.g. suggestion that all housing should be social housing, thereby increasing mass and scale)
- Recognising that mass and scale are important factors but that this principle needs to be linked to the Council's fiduciary duty and the requirements of section 123 of the Local Government Act 1972
- Minimising the risk of fragmentation as to the precise design features.

4.22.19 The proposal overall has a number of pros and cons and these can be summarised as:

| Factors For | Factors Against |
|---|--|
| Represents the distilled experience of key stakeholders | Asserts directly contradictory aspirations – risk of division and fragmentation. Mixture of realism and idealism |
| In principle, concept of enabling development for site clearance may be sound | Risk that there will be dispute on the level of enabling required (as opposed to what some may believe ought to be required) |

| | |
|---|--|
| Principles for development permit for a wide range of possible schemes | Possible disagreement within stakeholders on detailed implementation |
| Strong emphasis on river related uses | May be perceived to result in exclusive or elitist activities. May also over-emphasise this aspect of T1 |
| Considered thinking on scheme design has commenced (e.g. the term “amphitheatre” connotes “not amphitheatre space” within the design) | |
| Proposes separation of enabling development from public benefit | Risk that public benefit will never be delivered |
| Seeks to implement T1 traffic aspirations for Embankment | But the proposal may be controversial |
| Generally, seeks to restrict development to the site and limit links with town centre | Might be viewed as serving local interests more than those of town centre overall |
| Proposes identification of sponsorship | Sponsorship can carry its own risks – sponsors objectives are sometimes ends in themselves |
| | Likely to require application to Secretary of State under section 123 of Local Government Act 1972 |

4.23 Twickenham Riverside Terrace Group Scheme

4.23.1 The original concept propounded by the late Mr Hathaway has been developed considerably since his initial design for a Riverside Terrace Garden as a temporary measure.

4.23.2 In July 2001, the Development Control Committee agreed that planning permission should be granted pursuant to a planning application made in March 2001 (by The Twickenham Riverside Terrace Committee) for the development of the site by the demolition of the first floor swimming pool changing rooms and modification of the ground floor rooms to provide a first floor open terrace. The application also included the provision of a coffee shop, tourist office and boat booking office. The existing bathhouse building would be retained for use by voluntary organisations with the remaining land laid out as public park with tree planting, a grassed area, steps, paved paths and a terrace.

4.23.3 The planning application was judged in the light of the policies in the Council's UDP and also proposal T1 which envisages the development of the site to enhance the riverside and shopping areas, to give limited improvements to rear servicing and provide leisure uses, housing, car parking and public conveniences. The planning application did not include all these elements but the planning officer recommended that planning permission should be granted as the planning application responded to important issues including the partial removal of the existing unattractive baths building, the introduction of leisure and recreational uses and improved landscaping. The proposal was judged to have a positive affect on the area with the key issue being whether it prejudiced the full implementation of the substance of Proposal T1. In the planning officer's judgement this would not occur as no new structures would

be built on the land, the existing building mass would reduce, the filling of the pool would not prejudice future development of the land, and the application did not include the whole of the T1 site therefore leaving the remainder available for other uses.

- 4.23.4 Given that the scheme did not wholly seek to implement the T1 proposal, the matter was referred to the Government Office for London which subsequently indicated that it did not wish to intervene.
- 4.23.5 The significance of the Secretary of State's decision (via GOL) on the March 2001 application is that it demonstrates the feasibility (in planning terms) of an alternative scheme on the Council owned land at Twickenham Riverside.
- 4.23.6 Planning consent was granted with a number of conditions which it is understood are currently being explored with the planning authority.
- 4.23.7 The Twickenham Riverside Terrace Group was at the forefront of co-ordinated opposition to the Dawnay Day Scheme. The level of commitment and enthusiasm of the Committee is noteworthy.
- 4.23.8 The initial scheme proposed a basic template for the partial demolition of the pool building and the creation of an open space at the site (with a view to further developing the potential uses and layout at a later date).
- 4.23.9 During 2001 the Group presented a petition to the Council with some 1,300 signatures collected in the Borough originally instigated by the Twickenham Labour Party. Signatories to the petition had indicated their support to the immediate demolition of the pool building and the creation of a public park.
- 4.23.10 During April of this year and at around the time that the Secretary of State identified that the Dawnay Day scheme might be called in, TRTG commenced the process of review and revision to its scheme. This was undertaken in conjunction with the Twickenham Society Co-ordinating Group (the umbrella organisation representing local amenity societies).
- 4.23.11 The stated aim of the Group's review of the scheme was to reduce initial capital costs and to identify a range of uses on the site in more detail.
- 4.23.12 On the whole, the underlying concept remains that a landscaped terrace garden will be provided and the new proposals would seek to provide utility services at locations for cafes, bars, shopping or other activities to be operated on the site.
- 4.23.13 A key feature of the scheme is that it envisages that third party income generating activities will operate in a temporary or flexible way and that the structures which will accommodate these uses will be of a temporary nature (possibly seeking to bypass building and other regulations so as to minimise initial capital costs).
- 4.23.14 The revisions to the scheme propose retention of the existing toilets, Bath House (for Trust Community Offices) and pool restaurant buildings on the basis that these will be renovated by incoming restaurant, café or bar operators. The revised scheme sets out a very wide potential range of uses at the site and envisages that the final uses for the various zones within the site will be subject to "community consultation".

- 4.23.15 By the time of this meeting, TRTG may have submitted its revised intended planning application since, at the time of drafting it was in pre-application consultation with planning officers. (Members will be updated orally at the Cabinet meeting).
- 4.23.16 The Council Leader and Cabinet Members received a personal submission from the group in August 2002. Briefly, this provided schematic illustrations of the existing approved planning permission, illustrations showing potential developments of the scheme, a breakdown of estimated capital costs by zone across the site, an overview of third party income proposals (showing various rental by volume and anticipated revenue).
- 4.23.17 That submission to Cabinet went on to provide more detail on certain aspects of the proposed revisions to the scheme and includes:-
- An illustration of low rental accommodation on the Embankment.
 - Schematic illustrations of potential “third party” pavilions.
 - Schematic illustrations showing variations from existing permission (including an auditorium proposal for the existing pool area).
 - The identification of a wide range of optional activities for the scheme (including an “Eel Pie Centre”, a Discovery Centre, community use spaces, arts performance area, accommodation for riverside uses, water feature, temporary ice rink etc.)
- 4.23.18 The Group envisages a construction programme of 15 months were the scheme overall to finalise the planning issues outstanding and to acquire capital funding. However, TRTG also identifies that it believes the revisions to its scheme would allow for a phased programme were it not possible to acquire full capital funding at the outset.
- 4.23.19 For example, this includes an acceptance by TRTG that it may be desirable to implement a minimum public access option as a first step to a wider redevelopment. In the proposal, this would involve the creation of a walkway through the site from Wharf Lane through to new steps on the Embankment.
- 4.23.20 TRTG believes that the scheme provides a number of significant benefits and these can be summarised as:-
- Retention of land in public use.
 - Open space available for all.
 - A significant number of options for future development which TRTG believes are not dictated by the overall design framework of the scheme.
 - The potential flexible uses to accommodate charities, arts, community groups etc.
 - Confidence that the scheme will generate income to cover the cost of maintaining the site.
 - A staged implementation programme which acknowledges that it may be necessary to proceed on an incremental basis.
 - A self sustaining scheme.
- 4.23.21 TRTG envisages that one of two funding options for the scheme could be pursued.

- 4.23.22 Firstly, TRTG identified that it would wish to form a Community Trust to which the Council would lease its land at Twickenham Riverside for a period 125 years (during clarifications with TRTG this was reduced to 25 years) at an assumed peppercorn rent. The Trust as envisaged would manage and control development of the site in line with “community consultation”. TRTG envisages that the Trust would include Members of the Local Authority and that its key function would be to oversee the development of the site and to “protect” its subsequent use and development in line with the results of the Trust’s community consultation.
- 4.23.23 In addition to the request for the grant of a lease as described above, the Group has also expressed a desire for the Council to provide capital funding. Using the cost estimates prepared by TRTG, this would require capital funds (to implement the whole scheme) of approximately £649,000 (but revised upwards to £800,000 during the course of recent discussions for additional options). The obvious grant making power would be Part I of the Local Government Act 2000 (a general power linked to supporting social and environmental well-being), but this should link quite specifically to the Community Plan (alternative more specific powers may apply, but if Cabinet were minded to pursue this option, this would need to be considered in more detail at a later stage).
- 4.23.24 TRTG has also identified an alternative approach to fund raising which is that the Group would seek charitable or philanthropic donations as a means to financing the scheme. This may be an influencing factor on the incremental approach proposed in the expected revisions to the Group’s planning consent for the site. Alternatively, the Council would be requested to provide capital expenditure on a phased basis – with the possibility of a matching funding arrangement. This would be linked to a “phased” scheme which would provide for initial public access to the site on a restricted basis.
- 4.23.25 During the process of clarifying this submission, the Council received a number of responses to letters, requests for more detailed information and other relevant material. This can be found at **APPENDIX O**. This contains a detailed consideration of the proposal against the appraisal criteria.
- 4.23.26 Overall, the financial viability of this proposal either rests on the willingness of the Council to:
- Provide an initial capital grant in the region of £400,000 and then provide matching funding over and above this amount and the lease; or
 - A smaller initial capital grant and the lease (to occupy at least part of the site) and (in both cases)
 - A statement from TRTG that it would fund-raise to meet the costs of the whole scheme if the Council were unable to make a contribution (other than the lease)
 - Alternatively, if the Council were willing to make a partial contribution that the Trust would wish to propose “performance criteria” to secure its performance in the discharge of its plans.
- 4.23.27 However, Cabinet is advised that there are a number of fundamental factors which are also likely to impact on the financial viability of this proposal and these are:

- Apparent reliance on supply led demand for third party income structures (and during clarification of the proposal, predicted income was reduced significantly)
- The risks inherent in expecting third party operators to carry construction risks
- The presumption of a continued subsidy for revenue costs from the Council (difficult to discern but presumed to be at least £25,000 per year)

4.23.28 Similar issues apply to the consideration of deliverability (which is inevitably bound up with considerations of viability, cashflows and their timings). Further information is provided in the appraisal at **APPENDIX O** but the key issues can be summarised as:

- At this stage, there is no Trust formed to oversee the proposal
- Concerns as to the potential effectiveness of the decision making arrangements
- In the absence of significant Council funding, there is a risk that funds would not be generated independently and that the site could remain virtually derelict (particularly important if a lease were to be granted)
- In the absence of any Council funding, TRTG's own projected net cash flows are presented for different time periods – it appears that the recent revisions have had an adverse impact on cashflow to the extent that the surplus generated appears marginal

4.23.29 Factors for and against the proposal:-

| Factors For | Factors Against |
|---|---|
| Seems to have significant evidence of public support for demolition & public park | Likelihood of inertia in decision making given “open nature” of trust arrangements |
| Innovative proposals for the provision of temporary structures | Highly risky (and improbable) assumptions as to third party income and affect on cashflow |
| Considered use of sustainability and recycling at the site | Concerns as to the overall quality of the finished product |
| Propose use of existing method for transfer to TRTG (lease to Trust) | Significant number of open-ended issues. |
| Public support expressed in petition for demolition of pool building and creation of open park. | <p>There are doubts about the suitability of a large open space so close to the town centre:- security, viability of proposed third party income proposals and whether or not it would be feasible to erect temporary structures (which themselves might be an increased security risk).</p> <p>Whilst the Group expresses confidence that it would be possible to raise the necessary funds through charity or philanthropy, there is a risk that it may not be possible.</p> <p>Therefore the proposal can be viewed to a large extent as seeking</p> |

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| | to rely on Council funding in cash and in kind (capital plus lease). |
| Claimed to have the potential to retain the value of the site (in that if the scheme did not prove to be workable long term, the site could be redeveloped in an alternative way by the Council). | The argument is put forward by the Group that this is a situation analogous to Petersham Meadows but Cabinet should note that the Meadow is protected by an Act of Parliament from development. Clearly the decision to grant a lease at nil value for 25 or 125 years would be very significant on this site with its potential value. |
| The temporary uses proposed at the site mean there could be a high degree of flexibility. | The capital costs identified by TRTG are doubtful – and are more likely to be in the order of £1million (and possibly higher with additional options) – see APPENDIX O . |
| Aside from the specific petition, there appears to be strong public support for some form of public open space at the site. In principle, the Council does have the discretion to grant a long lease to TRTG. | There may be high potential for atrophy and indecision due to the likelihood that if the scheme were to be implemented, that the proposed “community consultation” would not produce agreement on the proposed temporary uses at the site. The proposal contains within it an assumption that the Council has adequately maintained non-pool facilities at the site and that the Council would be willing to transfer at least part of the existing revenue expenditure in and around the site to the Trust (the current total is estimated at £50K per year). |
| In principle, the Council might have the discretion to make a capital grant to TRTG to implement the scheme (either wholly or in part) – but the precise powers would need to be researched against precise uses within the scheme | The membership of the TRTG Committee have not provided evidence of experience of running a Trust of the type described. |
| | Consent under section 123 of the Local Government Act 1972 would be required |
| | There may be a high risk that the proposal would falter, stall or fail if implemented and that the Council would be held to account |

4.23.30 The detailed appraisal at **APPENDIX O** shows, there are a number of concerns as to the viability, deliverability and risk profile of this proposal. This is not a reflection on the commitment, vision or stamina of its proponents.

4.23.31 Whilst the proposals do have some highly innovative features, they are also difficult to precisely pin down (due to the flexibility) but also seem to rely on a highly benign assumption on third party income/construction risk.

4.23.32 Possibly, such innovative ideas might flourish at a location which had sufficient “critical mass” to guarantee an intensity of use which would enable the use of temporary structures but, as they stand, cannot be recommended to Cabinet as an option which it should pursue.

4.24 Laura Sevenus Swimming School Proposal

4.24.1 This proposal was initially submitted as an expression of interest. However, in the light of the fact that other groups had the opportunity to provide more detail of their proposals (or that the proposals were already detailed) the Laura Sevenus Swimming School were contacted to determine whether they would wish to provide more detail for the Cabinet meeting. (See **APPENDIX P**).

4.24.2 In response, the swimming school made a more detailed submission. This can be summarised as:-

- Swimming school (specialising in aqua training for babies and young children but delivering services to other age groups) has a need for business expansion.
- Expresses belief that demand for its services would support the venture.
- Relies on a plan which would see ownership of the site retained by the Council with various options for a lease to be granted to the swimming school (or alternatively, portions of the site to be sold for private development – in a controlled manner).
- Would intend to introduce other leisure activities to the site subject to these being self sustaining and providing a return on investment.
- The swimming school proposes to be one of such lease tenants.
- Note that there may be wisdom in standing back to consider strategic options for Twickenham rather than pursuing the potentially negative consequence of “an attempt to simply thwart a private developer”.
- Specifically, proposes the provision of a dual purpose swimming school at the site, initially as a single pool with the possibility for expansion.
- Believes that this approach is one that could be considered in the context of a publicly owned site with one of a number of possible funding mechanisms used to raise investment for facilities.
- Generally (in the limited time available to the proponents) the swimming school is broadly supportive of the proposals made by the Twickenham Society Co-ordinating Group (Rethink on the Riverside).
- Generally, the swimming school is less supportive of the proposals made by the Twickenham Riverside Terrace Group – in terms of design, construction timetable and construction costs.

- Proposes that it might be possible to establish an international swimming academy at the pool site.

4.24.3 In common with many suggestions made by third parties (particularly those which were, in the first instance, unsolicited) the Sevenus proposal raises many more questions than it answers (due to many of the aspects being so “flexible”). However, it is an interesting and unusual concept – but at this point one which cannot be considered further since it could only be considered as a “scheme within a scheme”.

4.24.4 Many of the points made in the submission would appear to resonate to a degree with other public suggestions made during the last decade on potential uses for the riverside.

4.25. Short Term Options

4.25.1 Several options (for a long-term scheme) introduce the possibility of a short term or temporary scheme (and the recommended definition is of up to five years). This was the original intention of the Twickenham Riverside Terrace scheme. However, the scheme has moved on significantly and the recent proposal for a 125 (or 25) year lease puts the scheme outside this category.

4.25.2 Since 30 July 2002, the Council has received no other suggestions of principle or detailed proposals for a short term scheme. Therefore, this section of the report provides, in schematic form, three such options. If any of these were to be implemented, capital and revenue funding would be required from the Council.

4.25.3 The options have been prepared by the Council’s Project Team for Twickenham Riverside and in particular by the Technical Consultants to it (Dearle & Henderson). If implemented, these would require further detailed design and planning permission. Initial feedback from the planning authority is that none of the proposals would appear to prejudice the strategic objectives of the T1 policy. Were Members to choose any particular option, this would need to be the subject of detailed designs which proved satisfactory for the award of planning consent.

4.25.4 In summary, the options are:

- A – demolish pool building, replace with open formal terrace. Hard landscaping with raised planting beds and seating. Landscape the banks to each side of the new terrace.
- B - demolish pool building, replace with open formal terrace. Hard landscaping with raised planting beds and seating. Landscape the banks to each side of the new terrace. Create public access from Wharf Lane to the West corner of the Embankment. via a new landscaped area
- C - demolish pool building, replace with a grassed bank. Hard paving, steps and ramps to create public access from Wharf Lane to the Embankment. Public access created to the rear of the (once) first floor level of the old pool building – creating a view of the River.

4.25.5 Members should note that there may be a risk that, if a short-term option is pursued as a prelude to a longer term scheme, if the long term scheme were

to falter or fail, the short term option might have a longer life than originally intended.

4.25.6 The principles underlying the design and choice of these particular schemes are:

- They seek to be as cost effective as possible – given the Council's current financial position. However, estimated costs do not provide for recycling of existing materials on the site and where landscaping and planting is included, allowances are made for a reasonably high municipal standard
- All three options would result in the demolition of the pool building – and its replacement with either a hard landscaped Terrace or a grassed embankment.
- In all cases, cost estimates allow for lighting to hard and soft landscaped areas.
- Where public access is proposed, costs are assumed for gated access for security purposes.
- Existing active uses and tenants on the site would not be affected by these particular proposals (save for the demolition, clearance and landscaping works).

4.25.7 Since the site would remain in Council ownership and control, there would be no issues of third party property rights. Similarly, the simplicity and functionality of the designs would not appear to limit future redevelopment.

4.25.8 According to the contents of the particular scheme, the following issues would be addressed:

- Demolition of the pool building and landscaping of the embankments immediately adjacent to it would improve the amenity of the Embankment (the partial demolition of the pool building was judged to be a benefit to local amenity in the planning report on the TRTG scheme). This would apply to options A, B and C.
- For options B and C, there would be public access to the site – albeit in a restricted form. However, the proposals are similar to the recent developments proposed by the TRTG – and this represents the most economical means to create reasonable public access
- For Option C, a secure view of the River would be formed at a Terrace level (at the previous first floor height of the old pool building)

4.25.9 In all cases, costings allow for any newly created/landscaped areas to be lit and, for the options which propose public access through the site, costs allow for lockable gated access and fencing at the perimeter.

4.25.10 A summary appraisal of the options is attached at **APPENDIX Q** of this report.

4.25.11 The capital cost of each option is estimated as:

- A - £370,000
- B – £505,000
- C - £570,000

Costs assume that instructions to proceed are given in December 2002 and a satisfactory planning permission obtained within six months.

- 4.25.12 It has not been possible to accurately assess the precise maintenance and revenue implications of these options but Members are advised that these are likely to be a minimum of £6,000 to £7,500 per annum. If Members were to select one of these options, the precise implications would be assessed as the detailed design progressed and would be reported to Cabinet.
- 4.25.13 Whilst all of the options are considered to provide value for money (in terms of cost effectiveness), the Council's financial position is a material factor in considering them. To the extent that all of them would need to be funded from the capital programme, those funds would not be available for alternative projects.
- 4.25.14 It is highly unlikely that any long-term scheme to redevelop the site would retain the existing pool building. Therefore, were it to be removed in advance of a wider redevelopment, the demolition and clearance costs would have already been spent – thereby potentially reducing the costs of a long term option.
- 4.25.15 The demolition of the existing pool building which alone could have a dramatic impact on the area. There is a case that the most visible and prominent aspect of this derelict site is the pool building itself. Whilst there are many highly knowledgeable stakeholders who have had access to the site, perused original plans and taken an interest in alternative designs, there are many more who have not done so.

| Factors For | Factors Against |
|---|--|
| None of the options preclude long term redevelopment of the site either in isolation or as part of a larger development that includes adjoining owners' land. | Levels of usage by the public are likely to be low during late Autumn, Winter and early Spring. However, the proposals are designed to provide the most cost effective solutions to improving amenity whilst providing a reasonable level of quality. |
| All options provide for planting and garden features at the site – with increased opportunities on the larger schemes. | Whilst security could be an issue, the inclusion of costs for lighting, fencing and gates (where applicable) are considered to be reasonable steps. The proposals do not feature a large expanse of public open space and (where applicable) access can be restricted using gates. |
| The three options are minimal schemes and none will provide direct access from the site to the river. | Other nearby recreation areas do have unrestricted access to the river and, on scarcity grounds, there is an argument that there is a high level of public open space close by. |
| The options would not unduly affect existing tenants and uses on the site (save for implementation of the proposals themselves) | Ongoing maintenance costs will be incurred on all of the options |

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| The selection of a short term option may be perceived to resolve the uncertainty surrounding the use of the site | None of the options provides an 'instant' completed scheme. Subject to obtaining a satisfactory planning permission within six months the estimated timescales for the options range between 14 and 16 months |
| The proposals are considered to provide minimum options to improve the amenity of the area and (if selected) public access to part of the site. | The implementation of any proposal will impact on the Council's capital programme. |

4.26 Unrestricted Freehold Disposal of the Site

- 4.26.1 This section of the report considers the disposal of the Council's freehold interest in the site. As identified elsewhere in this report, the Council currently holds an unencumbered freehold.
- 4.26.2 There are a number of possible routes the Cabinet could follow to dispose of the site. However, for simplicity and directness in consideration of this option, this appraisal focuses on the unrestricted freehold sale of the site (i.e. with no other restrictions than the planning policies which apply). If Cabinet resolves to dispose of the site, a further report will set out in more detail the permutations – as the factors to be weighed and considered in this case are complex (marketing, timing, site clearance, planning consent etc.).
- 4.26.3 A disposal would mean that the Council would offer its legal ownership in the site for sale without seeking to impose any additional restrictions. Future development of the site would then be controlled purely by the Town and Country Planning process.
- 4.26.4 The sale mechanisms appropriate to this type of disposal would be auction or private treaty.
- 4.26.5 The disposal of the site may not be a wholly attractive option for Members at this stage. However, the complex and convoluted history of attempts to redevelop Twickenham Riverside means that there can be no guarantee that any future attempt for its redevelopment would be successful. Additionally, Cabinet might hold the view that it cannot make a commitment to continue the expenditure of public funds in seeking to redevelop the site on an indefinite basis.
- 4.26.6 Therefore, if having considered the options and various appraisals in this report, Cabinet considers that the prospects of a successful way forward for the redevelopment of the Riverside are limited or that this would not be achievable within a reasonable timeframe and according to reasonable levels of public expenditure, Members are advised to resolve that the freehold of the site should be disposed of.
- 4.26.7 Alternatively, if the Cabinet wishes to select a long term option for the way forward (either one identified in this report a hybrid of various options within it or a proposition developed by Cabinet itself), Members are advised to give consideration to qualifying the decision with the proviso that the progress of

any scheme will be periodically reviewed to determine whether, all things considered, the approach is likely to achieve its original objectives.

4.26.8 Factors for and against the disposal of the site:-

| Factors For | Factors Against |
|--|---|
| <p>This could be undertaken relatively quickly and the Council has a statutory responsibility for making such decisions.</p> | <p>If the Council sold the freehold of the site on an unrestricted basis, there would be a loss of land ownership control over development at Twickenham Riverside. This might engender criticism from some members of the public. However, there have been a number of publicly expressed statements in support of disposing of the site – as a means to preventing potentially further wasted effort by the Council to redevelop it.</p> |
| <p>There should be a high level of market interest. All stakeholders seem to agree that this is “prime” riverside land. The Council could expect a good show of competition between developers with a serious interest in purchasing the site. However, the site does have a history of failed development attempts which may be considered a negative factor by the market.</p> | <p>To the extent that the market is expected to submit unconditional bids, these might be discounted against the price of bids which apply conditions to the sale (for example an outline planning consent. However, the pros and cons can be further appraised if Members select this option).</p> <p>It would be left to be the Town and Country Planning powers to control uses on the site and any “public benefits” which might be delivered.</p> <p>There is a risk that property developers would seek to provide the absolute minimum of such benefits.</p> |
| <p>The disposal of the site would be relatively simple. It would not result in particularly high levels of Council expenditure to support the process and very significant levels of officer time would be freed to devote to other projects.</p> | <p>Whilst it is highly likely that the Council would be able to dispose of the site within a relatively short timeframe (say 6 months on an unconditional sale basis) in the long term, there can be no guarantee that any particular developer would be able to deliver a scheme which met the Town and Country Planning requirements, its own profit aspirations and the likely objections to such a scheme from interested parties.</p> |

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| | <p>However, the property market is likely to take its own view of such risks and price bids accordingly.</p> <p>Theoretically, there is a risk that a convergence of these 3 factors could result in a significant period of time when no development takes place or that the site becomes eventually “blighted”.</p> |
| <p>In disposing of the site, the Council would have to adopt an approach that demonstrated compliance with its obligations under Section 123 of the Local Government Act 1972 (to dispose of assets at the best consideration reasonably obtainable)</p> | |
| <p>The sale of the site would generate a capital receipt for the Council (which may be significant). As identified in section 4.12 of this report there are uses to which additional receipts could be put</p> | <p>Given previously expressed public opinions, there may be doubts as to the “benefits” that might flow from the capital receipt.</p> |

4.27 Conclusion

- 4.27.1 In considering the factors for decision-making identified in this report and the appraisal of the options themselves, Members might judge that none of them could wholly address all of the objectives of the report – or that some may satisfy certain aspects particularly well whilst being deficient in others. Additionally, some of the material presented provides a very low level of information. The majority of the proposals (with the exception possibly of the short-term scheme proposals) are at a very outline stage – particularly in relation to funding. If Cabinet selects any of the potential redevelopment options as its preference, this should be subject to a strict timetable for the completion of any preparatory material and further analysis by the Council.
- 4.27.2 If Cabinet pursues any redevelopment option (other than one which could be wholly sponsored by the Council), further work on the proposal by the proponents should be entirely at the proponents own risk. Or, if the Cabinet wishes to provide some form of financial support, this should be clearly defined and time limited. Ultimately, the viability and deliverability of the proposal must rest with the proponent.
- 4.27.3 Whilst redevelopment within only the Council owned land is demonstrated by this report as a potential way forward, the report also identifies that the strategic aims of UDP policy T1 will be material factors in the consideration of any planning application.
- 4.27.4 A number of options in this report are identified as premature – in the sense that they could only function within the context of a wider scheme (for example the Sevenus Swimming School proposal falls clearly within this

category). However, the proposal is not without its own significant potential risks and could prove to be unworkable. It might also be possible that certain of the concepts (for example temporary or seasonal structures) proposed by the Twickenham Riverside Terrace Group could function in the context of a wider scheme.

- 4.27.5 A revised development brief (or a comprehensive redevelopment within T1) might be considered to hold out the most promise of significant benefits to both the Riverside area and the town centre. However, the history of attempts to undertake such schemes cannot be ignored – and Members are advised to consider carefully the issues involved in revising the existing development brief in this way or undertaking a comprehensive redevelopment. Such a large-scale redevelopment might be very costly to implement, could be sensitive on the viability front, potentially high risk and would take several years to implement.
- 4.27.6 Something of a shift in thinking has been presented to the Council (by the Twickenham Society Co-ordinating Group) – which proposes a distinction of enabling development from public benefit issues (or enabling development as a way to securing the minimum public benefit of site clearance and landscaping). In the proposal, this would be followed by further incremental enabling development or independent funding for a public asset facility. Throughout, the proposal argues for a lower scale emphasis. On the face of it, if pursued, this principle might allow the risks of each type of activity (enabling development and a “public asset”) to be managed independently of each other – but both can still have significant risks. However, this report also expresses doubts that it will ever be possible to reconcile the divergent expectations of stakeholders with the need to adopt a very business like approach to the redevelopment of the site.
- 4.27.7 The recurrent planning difficulties with this site lends weight to Members considering a lower scale approach, if they wish to pursue another scheme – but this must be tempered with a full appreciation of the other constraints which apply.
- 4.27.8 There has been frequent discussion of the possibility of charitable or philanthropic funding as a potential means of funding public benefits at the Riverside (and recently, statements that it will be forthcoming). However, this has never been formally tested. If Members were minded to test this approach, the level of public interest in the provision of a “public asset” on the site and the novelty of the approach itself could result in a unique kind of “Twickenham Challenge” whereby the “community” itself could be involved in taking this aspect forward. This might also allow for an element of competition to be brought to bear on the problem of the Riverside – since there are competing aspirations and, possibly, competing sources of potential funding which might be sought. This would be a significant paradigm shift, but this report has argued, with the benefit of hindsight, that the previous attempts at seeking “consensus” may have been counterproductive. If pursued, this approach would need to be carefully regulated in a number of aspects. Again, if this approach were to be adopted, Cabinet is advised that the risks of participation should fall to any interested parties and that the process should operate according to a clearly defined programme – with an unambiguous end date.

- 4.27.9 On the issue of certainty as to what will happen at the site, there appear to be two prominent alternatives which could provide a fairly rapid resolution. The first of these would be to sell the Council's land and the second would be for the Council itself to pay for a short-term scheme at the site. For many of the other options appraised in the report the timeframe would be long-term.
- 4.27.10 If the Cabinet resolves to pursue a short-term option, this should be coupled with a firm set of principles and timetable as to Cabinet's long-term intentions for the site.

5. Consultation

The Chief Executive, Director of Finance and Corporate Services, Head of Legal Services and Council's external advisors on Twickenham Riverside were consulted on the production of this report (Mayer Brown Rowe & Maw (which provide detailed legal advice where necessary,) Donaldsons on commercial property matters and Dearle and Henderson on technical advice). In addition, officers in the Development Control, Planning Policy and Corporate Policy units were consulted on specific sections.

6. Financial Implications

- 6.1 The July 2002 report to Cabinet identified that if the Cabinet resolved to terminate negotiations with Dawnay Day or explore alternative options for Twickenham Riverside that this year's project development budget would be exceeded.
- 6.2 The budget within this year's capital programme for Twickenham Riverside is £172,000. In the event, the additional workload and external advice to produce both the July 2002 and this report has resulted in an increase of expenditure.
- 6.3 Therefore, the Chief Executive and the Director of Finance and Corporate Services authorised a virement from the 2003/4 capital programme budget for the scheme to make up the required shortfall (which is estimated at just under £50,000 at this stage) up to the point of the production of this report. Depending on the option selected by Cabinet, there may be a need to incur additional expenditure to prepare for implementation of the selected option. Additional expenditure in this regard would need to be funded from the capital programme in the first instance, but if Cabinet pursues a long-term scheme, it is advised to include the Council's recovery of project development and external advice costs within the transaction.
- 6.4 In addition, it will be necessary to apply a retrospective payment to the Secondary Schools PFI budget to reflect the increased levels of time spent by the Joint Development Manager (PFI & PPP) on Twickenham Riverside since May 2002 (his salary is currently partly coded against the PFI budget and partly against Twickenham Riverside). Up to this point, the additional payment is estimated to be in the region of £20,000.
- 6.5 The potential costs arising from the July 2002 Cabinet decision on this matter are covered in the brief confidential report on this topic (for Members only) elsewhere on this agenda.

- 6.6 If Cabinet resolves to pursue any of the short-term options identified within the report at section 4.25, this would have the capital implication identified for the particular option and the *minimum* revenue costs identified for each of them. These are:

Option A - £370,000

Option B – £505,000

Option C - £570,000

Revenue costs are estimated to be between £6,000 and £7,5000 per year. Precise costs would be identified if a detail design were pursued.

7. Policy And Equality Implications

- 1 The main Council policies applying to this matter are the general planning policies and the T1 UDP policy for Twickenham Riverside and the Council's current development brief for Twickenham Riverside. At this stage, Cabinet is being asked to resolve matters of principle only and the more detailed policy requirements or aspirations of any decision taken at this meeting (if applicable) will be addressed in later reports to Cabinet.

8. 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

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