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Dear Mr Tanner

HAM HYDRO

We act for Pinenorth Limited the new owners of the former Teddington Studios site that is located between Broom Road and the River Thames and lies adjacent to the proposed Ham Hydro site. You will be aware that planning permission has recently been granted by the Council for the redevelopment of the site for housing. Our clients are currently developing the detail of the scheme in order to deliver this housing site. They have concerns as to the impact of the proposals by Ham Hydro and as to how they will affect the residential environment of the former Studios site and the wider environment.

We are aware of the proposals for Ham Hydro and have read the officers report to committee for next weeks meeting and the submission documents. We have also read the objections from other parties and in particular those from The Lensbury and we share their concerns over the application proposal and its impact on the local character and appearance of the area and the noise impact of the proposals.

Noise

Given the significance of the proposal to the local environment the committee report is relatively brief as to the detailed considerations of the proposal and its alleged compliance with policy. In particular there is only a short reference to "the former Teddington Studios (soon to be redeveloped)" (paragraph 3); despite the existence of the extant permission for a noise sensitive use that is a material consideration. There is no detailed consideration as to the impact of the proposals on the future occupiers of the development, given the proximity of the two sites.

Table 7.2 of the submitted Noise Assessment dated July 2014 refers to an assessment of noise from the proposal in various locations. These do not include from our clients site and the now extant scheme. Figures 1 and 2 of the noise report presumably implies that noise 'vanishes' at the boundary line between The Lensbury and Teddington Studios, whereas noise must continue beyond this and impact on our clients site.

The proposed conditions at non standard condition NS01 refer to noise levels. In the table that follows, Table 1, receptor MP6 is referred to as Teddington Studio site. It is however not clear where the assessment of this comes from or whether this is for the use as existing or proposed.

There is no consultation response from the Councils Environmental Health Officer online or specifically referred to in the committee report. The owner of Teddington Studios does not accept the contents of Table 1 and the noise levels suggested.

Heritage Assets

Paragraph 47 of the officer's report refers to "in the key view from the footbridge the turbines would add a element of visual interest". There is no need to add visual interest to this stretch of the river and this should not be seen as a justification for the proposals.

There are a number of views submitted with the application showing before and after views of the weir. None of these are from the Teddington Studio site so the perception of the impact of the proposals from here have clearly not been considered or illustrated. This is again a clear failure in the applicant's submission.

Paragraph 134 of the NPPF states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". Given that the proposal would lead to less than substantial harm this harm has not been assessed or indeed weighed as required by the NPPF against the public benefits within the report.

The report incorrectly states that the need for balancing harm is only necessary where there "was such as highly adverse impact". This is not the test in the NPPF and therefore we are concerned that the Council has not applied the correct tests in assessing the application. There is no apparent consultation and therefore consultation response from English Heritage given the potential impact on designated heritage assets or any dedicated comment from the Councils conservation officer.

We are therefore concerned that not only have the relevant bodies not been consulted but the brief assessment in the officers report has not been undertaken in accordance with the test in the NPPF.

Further comment is made that "views over private land are not protected by planning legislation". Whilst this may be the case in general terms in this instance these views are from and form part of the setting of the Teddington Lock Conservation Area. Views both into and out of the conservation area are highly relevant and comprise its setting. It is therefore not correct to dismiss the views in this manner. The NPPG states "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance". From this it is clear that setting goes beyond public rights and includes private rights.

If these views are dismissed on this basis this is a fundamental error in the consideration of the impact of the application proposal on the setting of the designated heritage asset. This being the Teddington Lock Conservation Area.

There is greater relevance to the setting of the conservation area with the grant of planning permission on the former Studios site. When developed this will provide public access to the River Thames here for the first time, so public access will be available at a much closer location than the listed bridge or the Ham side of the river. Access will be available up to The Lensbury boundary so the public who have come to enjoy the river frontage with the new access provided in accordance with development plan policy will be visually and audibly assaulted by the proposed development. Again this is in a location that forms part of the setting of the conservation area and accordingly should form part of the consideration of the proposals.

Indeed whilst the sites location within the conservation area is referred to at paragraph 2 of the report the conservation area appraisal is not listed in the policy and other considerations at the outset of the report. It is important to note that the appraisal under the heading of 'character' refers to the unifying nature of the river. Whilst the river will continue to do that as a body of moving water we consider that the changes to the weir will impact upon that river character.

None of this assessment appears to have been undertaken.

Elsewhere in the report it appears to suggest that a benefit of the proposal is that it is considered "an additional attraction". The proposal itself has no public access and this is not a scheme like the Thames Barrier with an visitor centre. Again this should be given very limited weight in the consideration of the proposal.

We therefore conclude that adequate assessment of the proposals has not been undertaken and share the views of the objectors that planning permission should be refused.

Please let me know if you wish to discuss.

Yours sincerely



Kevin Goodwin
Director