

49 School House Lane
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10th July 2007

Dear Mr Staff,

Here are the comments of the Sandy Lane Site Action Group (SLSAG) on Linden Home's new application for the Sandy Lane site (07/2142/FUL). Apologies for the length of this document – but we feel strongly about this issue, we believe it is an important site, and we contend that the application is so seriously flawed in both concept and execution that there is no shortage of things to comment on.

Our weekly meetings are open to all and we have consulted widely with our neighbours, 600 of whom have signed our petition opposing any increase in the height, mass or density over the approved application (05/2114/FUL). We therefore feel that our comments are representative of the views of the neighbourhood. Further details about our group (and contact details) are on our website, www.slsag.org.uk.

We are strongly opposed to the new application, whereas we spoke in favour of the approved application (05/2114/FUL) at the planning committee meeting on 24 November 2005.

Our main reasons for objecting are:

- The impact on Bushy Park – the increased height would be grossly intrusive, and the light and noise pollution would have an adverse impact on the park's fauna.
- Density – the density is excessive for the development's setting.
- Design – the new design is lopsided, unneighbourly, impermeably and less accessible.
- Sustainability – a biomass boiler may be inappropriate in this location, due to problems with wood chip supply and particulate emissions. The assessment of the project's sustainability status is seriously flawed and fails to convince that it will reach the required EcoHomes Excellent standard.
- There is no justification for the argument that the extra apartments are needed to fund the sustainability improvements.
- There are serious concerns about the ability of the sewer system to cope with the additional effluent, which the application completely fails to address.
- The application fails to meet the Council's UDP requirements for the provision of small units.
- The application fails to follow the latest planning policies.
- The application is rife with inaccuracies (such as the likely number of school children) and fails to provide important information and detail.

Yours sincerely,
David Harnden
(Chairman, SLSAG)

SLSAG Comments on 07/2142/FUL

Impact on Bushy Park

The adverse impact of 5 and 6 storey buildings on Grade 1-listed Bushy Park is a compelling reason for refusing this new planning application.

We believe the following planning policies are relevant:

- PPS1, paragraph 17: “A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.”
- PPG15, 2.24: “local planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications.”
- PPG15, 6.2: “our understanding and appreciation of the historic environment now stretches beyond buildings to the spaces and semi-natural features which people have also moulded...England is particularly rich in the designed landscapes of parks and gardens, and the built and natural features they contain: the greatest of these are as important to national, and indeed international, culture as are our greatest buildings.”
- PPG15, Annex A A.4: “Local planning authorities (primarily district and borough councils) have the crucial leading role in securing the conservation of the historic environment in their areas.”
- UDP, STG 3.6: “The Council will protect and enhance the open and the built environment. In particular it will:
 - (A) safeguard the Borough's green belt and metropolitan open land and protect green chains and green corridors and other areas of open land which are important for visual reasons, agriculture, nature conservation, biodiversity, or sport and recreation;
 - (B) conserve and enhance areas and buildings of historic or architectural interest or of special townscape value, and ancient monuments and sites of archaeological interest and registered parks and gardens of special historic interest;
 - (C) protect the character of established residential areas, particularly from inappropriate infill and backland development;
 - (D) seek to ensure that developments enhance their surroundings, and do not impair important views or skylines.”
- UDP, ENV 10 5.58: “Proposals which have an adverse effect on the settings, views, and vistas to and from historic parks and gardens, will not be permitted.”

None of the buildings in the approved application (05/2114/FUL) are over 4 storeys. Even with this level of development, the Friends of Bushy and Home Parks and the Royal Parks were concerned with regard to overlooking and the precedent this could set for other developments bordering the park.

5 and 6 storey buildings would have a ruinous impact on views from inside the park and would be clearly visible from much of the eastern half of the park. The photos in the Design and Access Statement show clearly that the new scheme would have a far greater impact on the park than the approved application, in winter in particular.

Moreover, these photos have been taken from Cobbler's Walk at a distance of around 170m from the park wall and 200m from the site (Google Earth measurements). To put the photos into context, it should be noted that the park wall – which is just visible in the distance – is in fact 2.4m high (Environmental Statement 7.10).

There are vantage points much closer than this, such as the gravel path that runs parallel to the wall, and 5 and 6 storey buildings would be even more dominating from these. Also, the buildings will be clearly visible from many locations even in summer, as the trees do not form a complete screen.

The extra storeys would mean much greater light and noise pollution, especially with the proposed balconies and terraces. This would have a serious impact on the park's fauna and would reduce the amount of available habitat.

The impact on bats is a particular concern – application 05/2114/FUL was only approved on condition that artificial bat roosting boxes be installed before any of the flats are occupied. Bushy Park is one of the best sites in London for bats (<http://wildweb.london.gov.uk/wildweb/Bats.do>) and bats are extremely active among the trees by the park wall directly opposite the site. The light and noise from the extra storeys would have a deleterious effect on the bat population in this part of the park.

In fact, the new application's Environmental Statement proves how unsuitable the extra height would be, in its references to the previous buildings on the site:

“7.11 The previous buildings on the site were of a design and massing that was out of scale with the surroundings. Their size, location and construction made them prominent in views from the area, even with the mature tree screen. The buildings dominated this part of Sandy Lane and this edge of the Park, particularly in winter.”

“7.13 Blocks B/B1, and C/C1 would be part 4, part 5 storey buildings. The roofline of these blocks would be 15m in height which is the same height as Alderney house and 2m lower than the Jewson building.

“7.14 Block D is a part 5, part 6 storey landmark building located within the centre of the site. The roofline of Block D would be 20m high which is 1.7m higher than the Jewson depot building previously located on the site.”

So, the Environmental Statement admits that the previous buildings were “of a design and massing that was out of scale with the surroundings” and that they “dominated this part of Sandy Lane and this edge of the Park”. It then goes on to say that two of

the new buildings would be the same height as the previous office block and the third new building would be even higher than the previous Jewson building (and this fails to take account of the flue that would stick out over Block D).

Alas, Linden Homes does not pause to consider the logical implications of these statements but goes on to make airy assertions:

“ES 7.30...It is submitted that the addition of an additional storey to Blocks B/B1 and C/C1 would not impact on views from the park in comparison to the previous building. Block D is a landmark building set well back from the park and is of a high quality contemporary design.

“7.31 The proposed form of development has been designed to respond to the unique setting overlooking Bushy Park. The proposed scale and massing of the buildings is appropriate to the location....

“7.32 The development constitutes a significant enhancement in views from within Bushy Park, by replacing inappropriate, large buildings that detracted from their setting and proposing a sensitively designed scheme that contributes positively to the park and its environment.”

These assertions are utter nonsense. Everyone would agree that the previous buildings were too massive and inappropriate. It is a poor argument that the new buildings should be approved since they are a little less massive and inappropriate than the previous ones – and in fact Block D is even more inappropriate, since it is higher than either of the previous buildings.

Furthermore, it does not make sense to refer to the previous buildings, since they were demolished several weeks before submission of the new application. The only appropriate reference is to the approved application, which the Environmental Statement in fact covers in a brief sentence:

“7.27 The alternative scenario would be to implement the existing consent which would have less of an impact on Bushy Park.”

We agree wholeheartedly and urge adoption of this alternative scenario.

Density

The Richmond Council planning officer's report on 05/2114/FUL summarises part of the GLA's comments on the application as follows: *“They add that the density (at 296 habitable rooms/hectare) would exceed the range of 200-250 h.r.ha in the London Plan (based on it being defined as of ‘suburban’ character and with a moderate public transport accessibility level of 3).”*

05/2114/FUL was for 198 apartments. The new application, 07/2142/FUL, would increase the total number of apartments by 20.2% to 238. Therefore, the density would increase to approximately 356 habitable rooms/hectare. This is 42.4% more dense than the upper figure in the range given in the London Plan.

Policy 4B.3 of the London Plan (Maximising the potential of sites) says that “The Mayor will, and boroughs should, ensure that development proposals achieve the highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Boroughs should develop residential and commercial density policies in their UDPs in line with this policy and adopt the residential density ranges set out in Table 4B.1.” It is important to note that Policy 4B.3 does not say that boroughs should exceed the density ranges, even though this policy is concerned with achieving the highest possible density of use.

The costs of remediating the contaminated Sandy Lane site were the main justification for allowing 05/2114/FUL to exceed these ranges, in order for the project to be viable. It was accepted by all concerned – Linden Homes, Richmond Council, the GLA and the Secretary of State – that 191 apartments were sufficient to make the project viable.

Therefore, there can be no justification for seeking a further increase in density, which would contravene the policies in the GLA’s London Plan and Richmond Council’s UDP. The costs of the CHP/biomass boiler system are certainly not a justification (see below).

Design

The new design significantly weakens the design of the approved application. Instead of a coherent and harmonious frontage of four storey buildings along Sandy Lane, under the new application (travelling from west to east) a three-storey building is succeeded by two five-storey buildings, a six-storey building and then two four-storey buildings. The Design Response (p 5) speaks of the “end elevations forming a rhythm along Sandy Lane”. Where is the rhythm? The design is lopsided rather than rhythmic.

Filling in the gaps between B and B1 and C and C1 will inevitably make the site denser, less open and more crowded, both from inside and outside the site. It will also make the site less accessible, despite the application’s assertions to the contrary.

The Design Objectives (‘Context’) talk of “the creation of new pedestrian routes across the site linking to the existing railway footbridge”, while ‘Permeability’ talks of “routes to extend and correspond to existing links, especially to the railway footbridge.”

However, by filling in the gaps between B and B1 and C and C1 the new application will have the opposite effect. Before, the future residents could have cut through the site on the paths and landscaped areas between the buildings to reach the railway footbridge bridge; now they will have to come out onto Sandy Lane and walk down Bushy Park Road to reach it.

The new design is also unneighbourly, contravening BLT16 in the UDP (which gives protection from unreasonable loss of privacy, overlooking and obtrusive development). The new application has communal open spaces on the terraces overlooking School House Lane (76m² on the 5th storey of Block B/B1, plus 22m² on

the 4th storey and 102m² on the 5th storey of Block C/C1), which will greatly increase the level of noise and other disturbances from outdoor gatherings, parties, etc in good weather. In the approved application, the outdoor spaces were accessible only from individual flats; in the new application, all 131 apartments will have access.

Moreover, the elevation drawing for C/C1 show that communal area on the 5th storey does not have an adequate privacy screen. This will allow all residents in the block to overlook the properties in School House Lane.

Linden Homes claims that the new application would give a 15% increase in landscaped area. A comparison of the landscaping plans on pp 30 and 31 would suggest the opposite. However, it is difficult to be sure because – as with so much in this application – details are lacking and the text is muddled.

Sustainability

SLSAG welcomes any improvements in the sustainability of the development. However, we have serious reservations about the suitability for this site of some of the sustainability proposals put forward by Linden Homes. Moreover, many of the claims they make in the Sustainability Appraisal are unsubstantiated and much of the information they give is wrong.

Biomass boilers

We are sure that biomass boilers are a Good Thing. However, we remain to be convinced that they are the right solution for this site, which is surrounded by residential streets on three sides and by Bushy Park on the fourth. Linden Homes is keen to point out the advantages of its proposed wood-chip boiler, but fails to provide a rounded view that considers the total ecological impact and adverse effects.

The problems associated with biomass boilers are examined in detail in appendix A, written by a local resident who is a qualified engineer. The most important points are as follows:

(1) The environmental credentials of the boiler cannot be assessed without considering the impact of wood chip deliveries by lorry. Linden Homes believes that deliveries would be weekly (<http://linden-consult.co.uk/index.php?contentId=39>). It does not give any indication as to where it will source the wood chips. Unless they can be sourced locally, the environmental impact of the lorry journeys could outweigh the environmental benefit of reduced CO₂ emissions by the boiler. We fear that the lorries will have to travel considerable distances to find a reliable source of wood chips.

This fear is shared by experts in the field, and is specifically considered in a paper (*Lessons for the Application of Renewable Energy Technologies in High Density Urban Locations*) delivered at PLEA2006 – The 23rd Conference on Passive and Low Energy Architecture, Geneva, Switzerland, 6-8 September 2006 – by Lynne Sullivan, (Director, Broadway Malyan Architects, London), Brian Mark (Director, Fulcrum

Consulting, Engineers, London) and Tessa Parnell (Engineer, Fulcrum Consulting, Engineers, London). The authors state:

“It should be noted that there is concern with regard to whole life costing of using a substantial amount of chipped wood energy fuel in London as planning policy is likely to drive considerable numbers of biomass-fired heat generation capacity within London. This is likely to overload the chipped wood supply chain’s ability to deliver wood sourced locally to London, and increased usage will impose pressure to deliver wood from farther afield. This in turn would increase the embodied energy of the wood and also potentially lead to an increase in the fuel price.”

We believe that Linden Homes should be required to show that there is a local, long-term source for the wood chips.

(2) Biomass boilers produce more particulate emissions than oil or gas plants. Exposure to particulate matter can affect breathing, aggravate existing respiratory and cardiovascular disease, compromise the body’s immune systems, and damage lung tissue, contributing to cancer and premature death. Individuals with chronic obstructive pulmonary or cardiovascular disease, asthmatics, the elderly and children are most sensitive to the effects of particulate matter and more than 40,000 US citizens die each year from illnesses caused by breathing particulate matter (see Appendix A for references). Biomass boilers also emit volatile organic compounds and various oxides.

The fact that biomass boilers emit less carbon dioxide does not necessarily outweigh the risks from these other emissions in a residential area. The situation is not clear cut: biomass systems have advantages in terms of reduced emissions of CO₂ and sulphur dioxide, but not in terms of particulate matter and certain other pollutants.

(4) The application does not give sufficient detail of the flues needed to disperse the emissions. The elevation drawings for Block D show three flues, but do not give dimensions. We suspect that the drawings are merely illustrative and that in reality the flues would have to be substantially larger and higher. This of course would worsen the visual impact from the new application on Bushy Park and surrounding streets.

(3) Biomass boilers are more suited to rural than urban or suburban settings, it appears from the website of the biomass boiler supplier cited by Linden Homes. Linden’s website (<http://linden-consult.co.uk/index.php?contentId=39>) provides a link to Wood Energy Ltd, which describes itself as the “leading automatic biomass solutions specialist in the UK and Ireland”.

Wood Energy has 18 installations in the UK and Ireland according to the map on its website (<http://www.woodenergyltd.co.uk/CaseStudies.ashx>). Only two of these are in urban areas – the National Assembly for Wales in Cardiff and the Charleston Centre, Dublin – with the remainder being out-of-town, mostly in isolated rural settings.

We believe that the rural predominance is due to two factors.

- it is vital for the installation to be close to a reliable supply of wood chips; and

- the emissions could cause problems in urban or suburban settings (and, unlike Dublin or Cardiff, Teddington does not benefit from sea breezes to disperse the emissions).

Omissions and inaccuracies

The application fails to consider the environmental impact of the people in 40 additional apartments (Linden Homes says 85, we say it could be over 100 since the apartments are mostly two and three bedrooms). This impact could be greater than the proposed sustainability improvements.

The new application will also have a negative, one-time impact. The Environmental Statement (ES 1-5, 5.67) notes that “the revised development includes a single large area of basement car parking (compared to two smaller areas in the current approved scheme). This will involve the excavation of some contaminated soils, which will in turn require off site disposal.”

Many of the sustainability claims in the application are vague, unsubstantiated and unconvincing. A typical example comes on p 9 of Sustainability 1: “The Sandy Lane scheme will target an airtightness value that is better than the regulatory requirements”. This is merely a pious aspiration that ties them to nothing, since targets can be missed. Linden Homes has exhausted its stock of goodwill in this borough: we believe that airy promises should be disregarded and only firm targets and definite commitments merit consideration. The same holds true for the ‘assumptions’ used to calculate the EcoHomes rating.

Moreover, there are a number of ‘errors’ and dubious contentions in the EcoHomes assessment table (Sustainability 2, Appendix 3), which is used to calculate the eco-rating. These include:

- **Tra1** specifies 80% of the development should be within 500m of a 15-minute peak and half-hourly off-peak service to qualify for 2 eco-points. Linden claims that bus 481, located 200m from the development, meets these requirements. It does not: 481 is an hourly service that finishes around 7-8.30 pm and does not run on Sundays or public holidays. The nearest bus services meeting the requirements are over 500m away.
- **Tra3** awards an eco-point if the development is within 500m of a food shop and post box. It is not: people will have to go around 685m to the Kingston Rd/Bushy Park Rd shops and 835m to the Hampton Wick shops (distances calculated using Google Earth measuring feature). Linden will have to lose this point.
- **Ene3** calls for a secure space for drying clothes. Linden’s solution is to provide a drying line and extractor fan in the bathroom of each unit. This is not an environmentally friendly approach (and yet they award themselves a point).
- **Eco3** awards a point for ensuring the protection of any existing ecological features on the site. Linden claims a point “since no features of ecological

value have to be removed”. Since it is admitted elsewhere in the application that there were no features of ecological value in the first place, this is a very dubious argument.

- **Man2** gives two points for demonstrating “a commitment to go significantly beyond best practice site management practices”. Linden awards itself both points. We absolutely reject this: there have been numerous complaints from local residents over excessive dust, vibration, noise and other consequences of the work; the contractor has failed to implement agreed measures in the Remediation Methods Agreement; and there are serious concerns over inadequate monitoring, which is to be the subject of a complaint filed with Richmond Council within the next week. SLSAG will furnish documentary proof of these points if required.

The application claims that it will obtain EcoHomes Excellent “as a minimum” (ES Summary, p 5), and this claim is repeated elsewhere.

However, p 15 of Sustainability 1 gives the result of the developer’s self-assessment as 70% and the graph shows this to be on the border between ‘very good’ and ‘excellent’ And Linden Homes only achieves this rating by including the points in the areas we strongly dispute, as well as points for aspects where it is ‘assumed’ it will reach the necessary standards.

We contend that Linden Homes’ assertion that the new development will attain an EcoHomes Excellent rating is unsustainable.

Financial justification (lack of)

Since August 2006, every development in the Borough has been required to meet the EcoHomes Excellent standard, including renewable energy. It is ridiculous for Linden Homes to claim that their motivation is to improve the eco-credentials of the site and so they need 40 extra apartments to fund this; rather, they want the profits from 40 extra apartments and have to meet the new sustainability requirements as a result of the new policy.

A quick analysis of the likely costs of the CPH/biomass boiler shows that it does not provide any justification for 40 more apartments. The extra costs would be covered by the sale of a couple of apartments at most – and even that is not necessary due to Linden underestimating the value of their apartments, as we show later.

The Sustainability Appraisal gives the CHP electrical output as 47kWe. Figure 4 in the attached paper (Appendix B) from the Building Research Establishment Good Practice Guide No 176 shows the installed CHP cost per kWe as approximately £950. Therefore, $47 \times £950 = £44,650$.

The Sustainability Appraisal puts the biomass boiler size at 3 x 150 kW (p 23, Sustainability 1, although the text of the Price & Myers report, p 13, gives the total capacity of the biomass boiler at 420 kW). Our research shows that this is likely to cost around £150,000 installed cost (Appendix C: Econergy paper, Ashden Awards

for Sustainable Energy, under 'benefits and replicability' - http://www.ashdenawards.org/technical_summary06_UK_barnsley_biomass).

Thus the cost of the CHP system and biomass boilers is likely to be around £200,000. It is interesting that Linden Homes give a number of renewable energy options in Appendix 2 of the Sustainability Assessment – and the only one they do not cost is their preferred option, CHP and biomass boiler. We assume this is because giving figures would undermine their arguments (eg, Planning Statement 7.2 “The additional units would fund the use of biomass fuels to power a communal heating boiler”).

An 80 m² two-bedroom apartment will have a build cost of around £120,000 (@£1,500/sq m). Assuming a sale value of around £400,000, this would give a gross profit of £280,000 – more than enough to pay for the CHP and boiler. Even if there are additional costs that we have not included – such as pipework to the other buildings and the cost of building the basement housing (plans for which appear to be missing from the application) – the sale of two apartments would easily cover the total costs.

But there is no need for any extra apartments, since Linden Homes has significantly underestimated their value in calculating the viability of the project. When SLSAG met with Chris Maunders (Senior Land Manager with Linden Homes) on 17 April 2007, he said that Linden Homes estimated that the price of two-bedroom apartments would be around £300,000-350,000.

However, when the first apartments (block E) were put up for sale off-plan by Featherstone Leigh in May 2007, the prices ranged from £405,000 for a two-bedroom, one-bathroom apartment on the ground floor to £740,300 for a two-bedroom, two-bathroom apartment on the third floor.

Since Linden Homes have significantly underestimated the value of the apartments, they already have a windfall that will more than cover the costs of the environmental improvements. Even if one takes a conservative approach and estimates the extra windfall value per apartment at £50,000, they will receive around £6 million more than they were expecting from the 119 market apartments in their approved application.

Sewerage

There are serious questions over whether the existing foul sewer system can cope with the new development, although one would never guess this from the new application. The Environmental Statement (ES 6.65 and 6.66) merely observes that:

“6.65 Following completion of a modelling exercise, Thames Water has confirmed that unrestricted flows from the site could be accommodated within the public sewers subject to an appropriate form of surcharge protection such as backdrops into the public manholes and non return valves.

“6.66 It is therefore proposed that the site will be served by the construction of gravity systems discharging to the public sewerage system, which would have a neutral impact.”

We believe that this brief gloss is inadequate and misleading, as an examination of the previous planning applications for this site will demonstrate.

The planning officer's report (March 2005) on the original application, 04/2579/FUL, summarises Thames Water's position as follows:

“Regarding foul drainage, the development would produce foul sewage flows far in excess of the existing use of the site. However, without conducting an impact study and detailed modelling of the local sewerage network, it cannot be established whether the existing infrastructure could receive the proposed flows. As the expected flows would equate to 63% of the pipe capacity into which the development would connect, this could lead to foul sewerage flooding of the new development, as well as properties upstream and downstream.”

The planning officer's report (November 2005) on the second application, 05/2114/FUL, notes that Thames Water and Linden Homes had failed to find a satisfactory solution. The report gives the following summary of Thames Water's position:

“They have completed a modelling study into the foul sewerage network, which would drain the proposed development, in order to assess the impact on the existing sewerage infrastructure. The study concluded that the foul sewerage system is currently at its design capacity and would be insufficient to accommodate the additional flows from the development without significant reinforcement. The modelling study has predicted that should the development proceed and discharge into the existing foul sewer network, flooding would occur in a 1 in 15 year storm from 2 separate manholes in Sandy Lane and High Street, Hampton Wick. If the development were to proceed without reinforcement works being carried out, then sewer flooding is predicted to occur which may be a risk to public health, the environment and the amenity of the area. If the foul sewer network was to be substantially reinforced, Thames Water would raise no objections to the development progressing. However as the development is on a windfall site (i.e. not identified in the adopted Plan), they do not have the funding to upgrade the sewer network to accommodate the development in their current funding period (2005 to 2010). For the necessary infrastructure to be put in place to accommodate the development, works would need to be programmed into the next funding period commencing in 2010. Delivery of infrastructure would not be expected until 2012 or 2013 and therefore the ability of the sewerage network to provide for the development would not be available until that time. A scheme to reinforce the existing infrastructure to a state where it would be able to accommodate the development could be brought forward if the developer was to contribute.

“Thames Water see the following 2 options being available regarding the determination of the scheme in respect to foul sewer capacity.

“I. The developer should contribute to a detailed study into the design of reinforcement of the foul sewerage system to accommodate the development, and subsequent reinforcement work. Any planning approval granted on this basis must be conditional on the reinforcement being complete before dwellings are occupied. Thames Water are currently investigating the costs the applicant would be required to contribute should this option be accepted. The level of contribution to the initial study is expected to be available by 28th November, and the contribution for the actual reinforcement works available the completion of the study.

“II. The site should be submitted as a proposal site in the UDP. Thames Water would then be able to fund the reinforcement of the foul sewerage system within the next funding period, with the completion of reinforcement works likely in 2013.

“In a more recent letter Thames Water suggested 2 possible solutions to follow an impact study into the rate of discharge. Any discharge controls required would need to be installed by the developer within the site. The solutions would be;

“1. A new onsite pumping station to discharge to the adjacent foul catchment in Bushy Park Road, or

“2. To upgrade the existing sewer and possibly pump station in Sandy Lane.”

A day or two before the planning committee meeting on 24 November 2005 to consider 05/2114/FUL, Thames Water and Linden Homes agreed that the first solution (a new onsite pumping station to discharge to the adjacent foul catchment in Bushy Park Road) was acceptable. This agreement was an important factor in securing planning committee approval for 05/2114/FUL.

It appears that Thames Water conducted a further modelling study in early 2006 and concluded that the Sandy Lane sewer system can cope after all. SLSAG first heard of this at a meeting on 17 April 2007 between Chris Maunders, Senior Land Manager with Linden Homes, and David Harnden and Ian Jones-Healey of SLSAG. Mr Maunders said that Linden Homes had been surprised by Thames Water’s change of mind and noted that he had not seen convincing evidence from Thames Water to support its new position. [Mr Maunders promised to send SLSAG copies of the correspondence from Thames Water, but has failed to do so despite repeated reminders.]

We would like to make the following observations:

- Thames Water should be asked to produce full evidence for its new position, and explain why the earlier modelling study (which predicted sewerage flooding in Sandy Lane and Hampton Wick resulting from a one in 15 year storm) is no longer valid.
- Thames Water should also be asked to evaluate current problems with the Sandy Lane sewer. In an online objection (July 2nd) to 07/2142/FUL, Bob Cain, a director on the Park Court Residents’ Committee, said that “The sewers are already a problem with a higher than average incidence of blockages occurring between Park Court and Sandy Lane (via Vicarage Rd).

These result in raw sewage lying in the grounds of Park Court until Thames Water pump the sewer out.”

- In view of the extreme weather conditions we have experienced this year, Thames Water should be asked to reassess its weather forecasting – what was seen as a one in 15 year storm in 2004 may in fact be much more frequent in future.
- There is no justification for Linden Homes’ assumption that Thames Water’s assertion that the Sandy Lane sewer can cope with 198 apartments means that 238 “would be acceptable” (ES Addendum). In fact, a Thames Water spokesman was quoted by the Local Guardian (27 June 2007) as saying that “We do not feel at this stage that it could cope with the extra 40 homes” (link to article from www.slsag.org.uk).
- If as a result of the new application Thames Water reverts to the previous ‘solution’, namely to discharge the effluent to the Bushy Park Road sewer, then it should provide convincing evidence that this sewer can cope. SLSAG has been told by residents in Bushy Park Road just to the north of the railway line that in recent years their sewers have been blocking once or twice a year. Furthermore, a few years ago the basement of a house in Wick Road (which is linked to the Bushy Park Road sewer) was flooded with sewerage.
- A 12 June 2006 letter from Thames Water (referring to the 198-flat development), included in the ES Addendum of the new application, states that “the modelling did predict that the foul sewers in Sandy Lane will surcharge to cover level”. The new application notes that Thames Water’s decision to allow unrestricted foul discharge into the Sandy Lane Sewer is on condition that the development is protected from any surcharge in the public sewer, which Linden Homes says it will do by connecting to the sewer at high level. However, we can find no evidence in the new application that Linden Homes has made any attempt to evaluate problems that could be caused to properties connected to the Sandy Lane Sewer upstream or downstream of the proposed development, or to identify solutions. Not very neighbourly.

In summary, we believe that the applicant has failed to demonstrate that there would be sufficient capacity in the foul sewerage network to accommodate the additional discharge from another 40 apartments, contrary to Policy ENV 38 in the Unitary Development Plan: First Review 2005 and Policy 4A.13 in the London Plan.

Proportion of small units

The new application fails to satisfy the requirements of HSG 11 (8.57 B), which states that “*Developments will be expected to provide a reasonable number of small units appropriate to the site (bedsits or one bedroomed units) and the Council will seek to negotiate at least 25% small units on appropriate sites...The need for small units is in addition to any provision for affordable housing under policy HSG 6.*”

The new application claims (Planning Statement 6.8) that “There would be 34 one bedroom units within the 3 proposed blocks in excess of the Council’s policy for the provision for small units. As such the proposal is in accordance with Policy HSG11 of the UDP.”

This is quite simply wrong. The application both misreads the requirements of HSG 11 and furnishes incorrect figures that result in false calculations.

Incorrect figures:

Table 9.7 in the Environmental Statement purports to give the total number of studio/1 bed flats for the whole site resulting from the new application (ie, small units in B/B1, C/C1 and D under the new application and in blocks E, F, G, H and I under the approved application 05/2114/FUL). The table claims that there would be 29 small unit market flats and 31 small unit affordable flats. This would give 60 small unit flats out of a total of 238, which is over 25%.

However, the Schedule of Accommodation in the 05/2114/FUL application (Design Statement, p 41) lists just one 1 bed private flat in block F and 21 affordable 1 bed flats in block G. There are no 1 bed flats in E, H or I.

There are 6 affordable and 28 market small unit flats in the new application. Therefore, the number of small unit affordable flats in Table 9.7 of the new application should be 27, not 31. This would give 56 small units out of a total of 238, which is 23.5%. Thus the development as a whole would fail to meet the minimum requirement for small units.

Misreading of HSG 11:

The new application assumes that the requirement for a minimum of 25% small units applies to the combined total of market and affordable flats. However, HSG 11 specifically states that the “need for small units is in addition to any provision for affordable housing”.

When the number of private small-unit flats is compared with the total number of flats, the new application falls woefully short of the 25% target:

- For the blocks covered by the new application (B/B1, C/C1 and D), 28 of the 131 apartments are private small units, which equals 21.4%.
- For the development as a whole, the new application would mean that 29 of the 238 apartments are private small units, which equals 12.2%.

It is true that 34 of the 131 flats (26%) in the new application are small unit, but this does not separate affordable from market units. Should Linden Homes argue that the new application should be evaluated by itself and not in the context of the whole development, then the remainder of the development (ie, blocks E, F, G, H and I) should also be evaluated in isolation. Out of 107 apartments, only 22 (20.6%) are small unit and only 1 is private (0.009%). Therefore if 07/2142/FUL is approved, 05/2114/FUL should be invalidated as no longer meeting the requirements of HSG 11.

Failure to follow latest standards

Table 4.1 of the Environmental Statement (p 12) lists the National and Regional Policies with which the application must comply. The table refers to PPG 10 (Waste Management) and PPG 23 (Planning and Pollution Control).

However, both these Planning Policy Guidance Notes are outdated and have been superseded by more comprehensive and definitive Planning Policy Statements:

- PPG 10 was replaced by PPS 10 in July 2005.
- PPG 23 was replaced by PPS 23 in November 2004.

These are not just isolated typos: Environmental Statement 6.15 and 6.24 and table 10.2 again cite PPG 10 as the relevant planning standard. Likewise, PPG 23 is also cited in Environmental Statement table 10.2, although Planning Statement 5.19-5.22 at last acknowledges the existence of PPS 23.

There is no such recognition for PPS 10 that we can find. Indeed, as far as we can see PPG 10 is only mentioned in passing in the above references, which seems remiss given the importance of the subject.

The first planning application from Linden Homes for the Sandy Lane site (04/2583/FUL) was filed in August 2004. It would seem that for this new application they have not bothered to check thoroughly for new planning policies issued since then.

Cherry-picking planning requirements

The application is extremely selective in its quotations from planning requirements. It quotes those parts that support the case for the new application and omits those that would damage it.

We believe that the application should also have referred to the following:

- PPS1, paragraph 38: “Design policies should...concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally.”
- PPS3, paragraph 13: “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”
- PPS3, paragraph 14: “Local Planning Authorities should develop a shared vision with their local communities of the type(s) of residential environments they wish to see and develop design policies that set out the quality of development that will be expected for the local area”.

- PPS3, paragraph 16: “Matters to consider when assessing design quality include the extent to which the proposed development...is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access...creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.”
- PPS3, paragraph 49: “Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space. Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance.”
- London Plan, Policy 3A.2: “UDP policies should...address the suitability of housing development in terms of location, type of development and impact on the locality (see policies, 3D.8, 3D.9, 3D.13, 4B.11 and 4B.12).”
- London Plan, Policy 4B.1: “The Mayor will, and boroughs should, seek to ensure developments...respect local context, character and communities...are attractive to look at and, where appropriate, inspire, excite and delight...[and] respect the environment.”
- UDP, STG 3.8: “All developments are expected to pay careful regard to their surroundings and their impact on all aspects of the environment.”
- UDP, BLT 11 6.39: “The Council will...[ensure] that schemes are compatible with the scale and character of existing development”.
- UDP, BLT 11 6.41: “the Council will encourage distinctive and original designs, including those whose form is dictated by ecological design principles, so long as they are of a high standard and are compatible with the scale and character of existing development.”
- UDP, BLT 11 6.44: “The Council will generally be opposed to any development or re-development that might be out of scale with existing surrounding development...In cases where large separate sites are to be developed...consideration will be given to the effect upon the natural environment, and to such factors as local identity, views, topography and the general layout and scale of the surrounding area.”
- UDP, BLT 11.6.46: “Development should be in harmony with surrounding buildings.”

- UDP, BLT 16.6.47: “Development should be in scale with the adjoining buildings.”
- UDP, BLT 16 6.78: “In considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.”
- UDP, BLT 16 6.79: “Although the Council must be concerned with the public interest when examining proposals, it considers it important that amenities of existing occupiers are protected as far as possible when development occurs. It is particularly concerned that residential properties are protected from unreasonable loss of privacy, overlooking and obtrusive development.”
- UDP, BLT 18 6.91: “Buildings which are higher than the general height of surrounding buildings will not normally be permitted.”
- UDP, HSG 8.8: “there is increasing concern about the erosion of residential character through backland and other types of development at a higher density than that prevailing in the area.”
- UDP, HSG 11 8.57 (A): “In considering the appropriate density and mix of dwelling sizes for any development the Council will take into account the need to use land as intensively as is compatible with the protection of the quality, character and amenity of the area, and the contribution to meeting housing need for all sections of the community.”
- UDP, HSG 11 8.58: “The Council is aware of the growth in households nationally and that for sustainability reasons it is important that housing sites in urban areas are used efficiently. However, in determining appropriate densities, housing needs have to be balanced against the need to maintain the character of the area including features of nature conservation importance... The policy is therefore primarily concerned to ensure that provision of housing is maximised without leading to a development which is intrusive and detracts from the character, quality and amenity of the area.”

Employment

The new application would reduce the amount of office space from 293 m² to 235 m². The application (PS 6.13) talks of a “small reduction of 60 m² B1 office space” and claims that “this change is not considered to be significant and it is submitted that the unit could still provide the projected 15 office jobs.”

This is nonsense. A 20% reduction in office space is not “small” and 60 m² could accommodate a considerable number of desks. Either the projected number of jobs in 05/2114/FUL is wrong or the projections in the current application are wrong. Linden Homes could have argued that there is limited demand for office space in this part of Teddington; instead, the application makes assertions that have little relation to reality.

Schools

The application's Environmental Statement says that the following number of children can be expected from the proposal:

“9.32 Child occupancy rates for the proposal have been calculated using the Council's SPD [sic] on Planning Obligations.

“9.33 The pupil forecast information supplied by the Council indicates that there is an existing shortfall for primary school places in the area. The proposal would generate 13 additional children of primary school age which and [sic] would add pressure to existing educational services.

“9.34 The proposal would generate a demand for 5 additional secondary places which could be accommodated within is [sic] the proposed redevelopment of the Teddington Secondary School which is due for completion before the proposed development is built out.”

It would have been helpful had the wording made it absolutely clear that the above figures relate only to the additional 40 apartments being sought, rather than the 131 apartments in application 07/2142/FUL (compared with 91 apartments in 05/2114/FUL).

Moreover, the figures given in the application for additional children of primary school age are wrong. Using the formulae in Richmond Council's Planning Obligations Strategy, adopted as Supplementary Planning Guidance by Cabinet on 6th June 2005, the number of additional children of primary school age is 17 rather than 13. We agree with the figure of 5 for additional secondary school places. We suspect the applicant has used a take-up rate of 57% (the take-up rate for secondary schooling) for children of primary school age in private apartments, rather than the 70% specified in the SPG.

Consultation

The importance of involving the local community in the planning process is emphasised in government, GLA and Richmond borough policies. Linden Homes claims that it is “committed to consulting local stakeholders and the local community with regard to its planning applications” (Community Involvement Statement).

SLSAG contends that the community consultation has been totally inadequate. The two meetings between SLSAG and Linden Homes management were unproductive and frustrating and we have seen no evidence that Linden has paid any serious attention to our arguments. Moreover, we have never received any of the material (such as the correspondence with Thames Water, and costings for the environmental improvements) that Linden Homes said they would send us.

The claims in the Community Involvement Statement that Linden Homes has maintained regular contact with local groups and kept everyone informed are wrong.

There has been no regular contact with SLSAG. Rather, Linden Homes management have failed to reply to phone calls and e-mails.

The newsletter that was sent to 860 'stakeholders' probably did more than anything else to enrage the local community, judging from the feedback we have received. The newsletter included a reply-paid card that invited feedback, with tick boxes to say whether the resident supported the new application or not. The Community Involvement Statement is rather coy about the results of this exercise – it merely says that the comment forms “have been passed to the development team at Linden Homes for consideration”. The reason for this coyness, we suspect, is that the response was overwhelmingly hostile.

Linden Homes' attitude to consultation is perhaps best summed up by its website (<http://linden-consult.co.uk>), which the Community Involvement Statement describes as “a key consultation tool”. Since the website first appeared at the end of May, it has remained unchanged – no text has been amended, nothing added – as of the date of writing (10 July 2007). The home page still talks of Linden Homes “proposing to submit a planning application” nearly a month after the new application was actually submitted. The news page, which promises to provide “a number of resources for journalists and the media including all current press releases” has a solitary press release, dated 22 May, a statement from the Site Manager (who, we have been told by a Linden Homes manager has since resigned from the company).

It is a great pity that things have turned out this way. When Linden Homes was an independent company, it consulted seriously and extensively and we are sure that their managers were negotiating in good faith. Had Linden not been acquired, we believe there would have been no new application for extra flats. Linden Homes were in danger of giving developers a good name; this is now definitely not the case.

Need for more detail

(1) There is a lack of drawings that relate the scale of the development to surrounding houses. As far as we can see, there is only one document (Sections) that attempts to do so, and this is inaccurate – the houses in School House Lane (not School Lane, as in the document) are in fact significantly lower than shown in the drawing. There is no accurate sectional elevation that relates the proposed buildings on the site to the existing houses in Bushy Park Road, Sandy lane, Cedars Road and School House Lane.

(2) The drawings as submitted give no reference point. Therefore it would be impossible to prove from these drawings, once constructions starts, whether the heights of the actual buildings are as stated in the application.

(3) There appear to be inaccuracies in the measurements given. For example, the distance between the rear of block D and the building in School House Lane is given as 46m in Sections. However, using a CAD programme to measure the distance shown on some of the other drawings we calculate the distance as 50m. Which is it?

(4) In the approved application, the semi-basements protrude above ground level by some distance. We assume the same is true of the semi-basement in the new application. Are the heights of the building in the new application measured from ground level or from the top of the basement?

(5) The new application frequently references the height of the previous 'Jewson' building. This building had a small observation tower that rose above the roof by a couple of metres. Are the heights for the Jewson building given by Linden Homes from the top of the tower or the top of the roof?

(6) The elevation plans for Blocks B, C and D refer to "copper effect cladding". What on earth is this? Is it copper or is it some other material?

We would like to see Linden Homes clarify all the above points.

Previous form

In its dealings with Linden Homes, the Council should be aware of its previous behaviour. We're sure that councillors and council officers are well aware of the local feeling of betrayal due to Linden's latest actions. The company's adventures elsewhere may be of interest.

In Chippenham, Linden Homes is building a block of flats on the old cattle market. The original application was refused but a new application – which lowered the height of the development by about 4 feet – was approved. However, the development has been built some 22-44 inches higher than the approved application. According to local press reports, Linden Homes says it made a mistake but describes the difference as "marginal". North Wiltshire Council was due to discuss retrospective approval on July 4th (see article in Wiltshire Gazette and Herald - http://www.gazetteandherald.co.uk/mostpopular.var.1490037.mostviewed.demand_to_lower_block.php)