



Mr Simon Graham-Smith  
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Dear Mr Graham-Smith

**Former Imperial College Ground, Udney Park Road, Teddington, TW11 9BB  
Town and Country Planning Act 1990 (as amended)  
(Application reference 18/0151/FUL)**

I write on behalf of my clients, the Udney Park Playing Fields Trust (UPPFT) and local residents Mr Mark Joplin and Mr Richard Sharples to object to the above planning application for the development of the former Imperial College Ground, Udney Park Road, Teddington, TW11 9BB.

**Grounds of Objection**

The objections to the proposed development are associated with the designations relating to the site. The Friends of Udney Park Playing Fields (an unincorporated group of interested residents) have been supportive of the Council in securing policy designations that protect the playing fields from development proposals.

Many local clubs and organisations have encouraged the Council to protect Udney Park from development, including the Friends of Udney Park Playing Fields and The Teddington Society, through the Local Plan process.

Prior to the application site being acquired by Quantum (the applicant), Udney Park was already designated as an *Other Land of Townscape Importance* site and was a Strategic Site in the Council's Outdoor Recreation Analysis and Playing Pitch Strategy.

The objections of my clients consider the fundamental principles associated with the development of the playing fields. They also relate to the misinterpretation of the designations that are put forward by the applicant. It is therefore necessary to consider the background to these policy designations in order to identify why the proposed development should be refused by the Council.

The following are the principal grounds for objection:

1. The application fails to comply with the National Planning Policy Framework on Local Green Space and sports pitches;
2. The application fails to comply with regional planning policy set out in the London Plan;
3. The application fails to comply with the adopted Local Plan designation for the site;
4. The application fails to comply with the draft Local plan designations for the site.

## **Policy Context**

Planning applications are to be determined in accordance with the Development Plan. For this site the adopted development plan is the London Borough of Richmond upon Thames Development Management Plan and Core Strategy (2011) and the Adopted London Plan (2015).

There are also emerging policies that are contained in the Draft Richmond upon Thames Local Plan. The weight attached to draft policies increases the further the draft policies have been through the local plan process. In this instance the draft local plan is at the most advanced stage possible prior to it being formally adopted and it would therefore be appropriate to give considerable weight to its policies alongside those of the adopted Local Plan.

The Council has been using the draft Local Plan for development control decisions since the Council's Cabinet approved this on 13 December 2016.

The planning application is seeking to test the policy designations protecting the playing fields. This objection provides a robust defence of these designations and is therefore an objection that is based on the strategic planning policies in place and against which the application needs to be considered.

## **National Planning Policy Framework**

Guidance on planning policy and decision taking is set nationally. The central national document controlling this is the National Planning Policy Framework (NPPF).

The NPPF at paragraph 74 provides clear guidance on the protection of playing fields and open space. It states:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

The NPPF provides three scenarios where development could be considered. None are applicable to the proposed application. The site is not surplus to sports pitch requirements as demonstrated by the Council's Playing Pitch Strategy (PPS). There would be a substantial

reduction in the amount of space allocated to sports pitches and the identified needs in the PPS is for the existing provision of football, cricket and rugby pitches.

The NPPF document considers the policy context for playing fields and open spaces between paragraph 76 and 78, stating:

*“76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*

The process identified in the NPPF is the process that the residents and the Council have followed through the local plan process. The resulting Local Green Space (LGS) designation reinforces the policy protection of the site. Importantly the NPPF requires this designation to be capable of enduring beyond the end of the plan period.

Paragraph 78 of the NPPF identifies that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. Therefore developing on LGS requires the same very special circumstances that exist for developing on the Green Belt.

Paragraph 89 of the NPPF considers the very special circumstances that may exist for developing in the Green Belt. It states:

*“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.”*

The paragraph lists some exceptions. In relation to sport and recreation it states:

*“...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”*

The application, while it includes very limited sports provision, is mainly an application for residential development and a primary care facility comprising nine new substantial buildings and five new car parks. This cannot preserve the openness of the playing fields. It also directly conflicts with the purpose of including the land as LGS which is the value it has to the community that surrounds it.

The application fails this fundamental national policy test on four counts:

- a. It is not a use that can justify the very special circumstances argument;
- b. It fails to preserve the openness of the LGS;
- c. It conflicts with the very reasons for including the land in an up to date Local Plan; and
- d. It conflicts with the identified local needs so fails to justify the existing loss.

The application should be refused on this basis.

## **London Plan**

The London Plan forms part of the development plan for all London boroughs. The current adopted London Plan (Consolidated 2011 to 2016) has been shaped by the NPPF and in turn has helped shape the Richmond upon Thames Local Plan.

### Policy 1.1 – Delivering Strategic Vision and Objectives for London

The very first policy of the London Plan sets out the vision and objectives for London. It states:

*“Policy 1.1 Delivering the Strategic Vision and Objectives for London:-*

*Growth will be supported and managed across all parts of London to ensure it takes place within the current boundaries of Greater London without encroaching on the Green Belt, or on London’s protected open spaces.”*

This is a clear and upfront message that guides the whole of the London Plan and in turn development across London. The application therefore conflicts with this fundamental objective of plan making and decision making in London. The application should be refused for this reason.

### Policy 3.19 Sports Facilities

The London Plan also provides a specific planning policy relating to sports facilities at Policy 3.19. It states:

*“Policy 3.19 Sports Facilities:-*

*“Development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted.”*

This sets out the importance attached to the provision of sports and recreation with specific mention of playing fields. The application results in a substantial loss of playing fields and would therefore be contrary to Policy 3.19 of the London Plan and should be refused for this reason.

## **Adopted Local Plan – Development Management Plan (November 2011)**

### Policy DM OS 3 – Other Land of Townscape Importance

The Development Management Plan (November 2011) (DMP) designates the playing fields as ‘Other Land of Townscape Importance’, a designation associated with Policy DM OS 3 of the adopted DMP. That policy states that:

*“Other open areas that are of townscape importance will be protected and enhanced in open use.”*

*It will be recognised that there may be exceptional cases where appropriate development is acceptable. The following criteria must be taken into account when assessing appropriate development:*

- 1. It must be linked to the functional use of the Other Open Land of Townscape Importance; or*
- 2. It can only be a replacement or minor extension of existing built facilities;*
- 3. In addition to 1. or 2., it does not harm the character and openness of the open land.*

*Improvement and enhancement of the openness and character of other open land and measures to open up views into and out of designated other open land will be encouraged where appropriate.”*

The policy recognises that there may be exceptional cases where development could be acceptable and gives two scenarios. First, the development must be linked to the functional use of the site or secondly, a minor extension of existing built facilities. In either scenario the policy requires that any development does not harm the character and openness of the open land.

The proposal fails to fall into either of the initial two scenarios and fails to prevent harm to the character and openness.

The existing functional use of the land is that of open playing fields. The use is entirely associated with outdoor open sports pitches. The proposal for residential development, a primary health care facility, an equestrian facility and associated car parking have no connection to the existing function of the site. The proposal is therefore contrary to part 1 of Policy DM OS 3.

Part 2 of the policy provides two sub-options of development being either a replacement or minor extension of the built facilities. The proposal does not replace the sports pitches. They are lost with the exception of two sports pitches. The proposed development adds substantial new development across the current playing fields which cannot be considered as a minor extension. The proposal therefore fails Part 2 of Policy DM OS 3.

Part 3 of the policy is only considered if one of the first two tests is met. That is the requirement not to harm the character and openness of the open land. The proposal clearly fails to do this. The open nature of the site with views across it would be completely altered and the land would no longer be recognisable as ‘open’ in any form. The proposal would effectively require the designation to be removed as the playing fields would be built upon and the open space lost.

The purpose of Policy DM OS 3 is to protect the openness of sites and the importance that open spaces have on the character of an area. The proposal fails to adhere either to the policy tests or acknowledgement of the purpose of the policy to protect open space as just that, being open. The application is therefore contrary to policy DM OS 3 and should be refused on that basis.

#### Policy DM OS 8 - Sport and Recreation Facilities

Policy DM OS 8 considers existing sports facilities. It states that:

*“Public and private sports grounds including playing fields and recreational areas, courts and greens as well as private open space in recreational use will be protected and enhanced. Owners of private facilities will be encouraged to make them available for*

*public access and use.”*

This policy clearly states that playing fields such as those subject to the planning application would be protected and enhanced. The application proposes a substantial reduction in the number of sports pitches as well as building housing over other existing pitches. This cannot be considered protection or enhancement and therefore the application fails to accord with Policy DM OS 8 and should be refused permission.

### **The Draft Richmond upon Thames Local Plan (2016-18)**

At the Cabinet Meeting of 13 December 2016 it was agreed that the Publication Version of the Local Plan would be adopted immediately for Development Management purposes. It is therefore currently a material consideration in determining planning applications.

The draft Local Plan is due to be formally adopted in the Spring of 2018 whereby it will fully replace the existing DMP and Core Strategy. The determination date of the application is anticipated to be by 6 June 2018 so it is likely that the Local Plan policies will be the only relevant local policies. It is therefore vital to consider the application in relation to these designations and policies that impact on this site that are set out in the draft Local Plan given its material strength and current use in decision making.

#### Policy LP14 – Other Open Land of Townscape Importance

The Local Plan continues the designation of the site as Other Open Land of Townscape Importance under Policy LP14. This contains almost the identical wording as the DMP policy DM OS 3 discussed above. The same policy objection therefore remains valid in the draft Local Plan.

#### Policy LP13 - Green Belt, Metropolitan Open Land and Local Green Space

The draft Local Plan places the Local Green Space designation across the whole application site. This designation is associated with Policy LP13. It states at part D:

*“Local Green Space, which has been demonstrated to be special to a local community and which holds a particular local significance, will be protected from inappropriate development that could cause harm to its qualities.*

The designation of the playing fields as Local Green Space has taken place through the local plan process and it is therefore protected from the type of inappropriate development proposed in the planning application. The qualities of the LGS are its character of open space and playing fields. The proposal would not just harm these qualities it would remove them. The application therefore fails to accord with Policy LP13 and should be refused permission.

The supporting text to Policy LP13 states at paragraph 5.2.9 that:

*“In line with the NPPF, managing development within a Local Green Space should be consistent with policy for Green Belt. Development, which would cause harm to the qualities of the Local Green Space, will be considered inappropriate and will only be acceptable in very special circumstances where benefits can be demonstrated to significantly outweigh the harm.”*

The proposal brings no benefits to the character of the LGS. It does bring substantial harm in the form of significant built development that has no connection to the LGS or the playing fields. The proposal is effectively for commercial development on most of the playing fields bringing substantial harm to the characteristics of the space. The applicant has failed to show any 'very special circumstances' arguments and has only proposed harmful and inappropriate development on the playing fields. The supporting text therefore reinforces the reason for refusing permission under Policy LP13.

### Policy LP 12 – Green Infrastructure

Planning Policy LP 12 considers the Green Infrastructure in the Borough it states that;

*“Green infrastructure is a network of multi-functional green spaces and natural elements, which provides multiple benefits for people, nature and the economy.”*

Part A of the Policy LP12 identifies how such green infrastructure should be protected. It states:

*“To ensure all development proposals protect, and where opportunities arise enhance, green infrastructure, the following will be taken into account when assessing development proposals:*

- a. the need to protect the integrity of the green spaces and assets that are part of the wider green infrastructure network; improvements and enhancements to the green infrastructure network are supported;*
- b. its contribution to the wider green infrastructure network by delivering landscape enhancement, restoration or re-creation;*
- c. incorporating green infrastructure assets, which make a positive contribution to the wider green infrastructure network.”*

The policy sets out three key areas to consider for applications relating to green infrastructure. The first of which is the need to protect existing green spaces. The second is enhancements to the green infrastructure and the third is to incorporate additional green infrastructure. The application fails to do all three by replacing green infrastructure with housing and car parks. This is completely contrary to the protection of the green infrastructure which the policy seeks to safeguard. The application therefore fails to accord with policy LP12 and should be refused.

The supporting text to Policy LP12 helps explain its objectives and its interpretation. Paragraph 5.1.2 identifies that one of the assets that makes up the green infrastructure are sports pitches:

*“The assets that contribute to and make up the overall green infrastructure network range from borough-wide and strategic features such as parks, watercourses, woodlands to local features such as playgrounds, sports pitches, allotments, public open spaces, trees, woodlands, private gardens and other green spaces used for recreational purposes.”*

Paragraph 5.1.3 adds:

*“Housing delivery, and infrastructure required to support it, is expected to be met without compromising the green infrastructure network and there is a presumption against the loss of, or building on, greenfield sites.”*

This provides a clear statement that the proposal for housing of whatever form, together with its infrastructure, should not compromise the existing green infrastructure.

Paragraph 5.1.9 identifies the wider benefits of areas such as the playing fields stating:

*“It is important to recognise that the borough's parks and open spaces provide not only recreational opportunities for those that live and work in this borough, but also for local communities and residents in neighbouring and other London boroughs, thus providing a green lung for southwest.”*

The application would therefore not just bring harm to the immediate area it would have a harmful impact on the wider area. It is clear the proposal not just fails to comply with Policy LP12 it also fails to meet the objectives behind it and should be refused for these reasons.

### **Richmond upon Thames Playing Pitch Strategy (2015)**

This strategy has been prepared to inform the Council's planning policies on sport pitch provision in the Borough. The overall assessment is clear that there is a shortage of playing pitch capacity in the Borough. For the application site referred to as *Imperial College (Teddington Sports Ground)* the report identifies that the pitches should be protected and enhanced for football, cricket and rugby use.

### **Conclusions**

The planning application fails to demonstrate any fundamental policy support for developing on protected open space and playing fields. There is no support for this at any level of planning policy from national guidance through to adopted and emerging planning policy set by the Council.

The application seeks to exploit policies that allow modest improvements to open spaces for a wholesale redevelopment of the site that would result in the open space being lost. Non sport related development of playing fields is only permissible in very exceptional circumstances and the application has not demonstrated that these exist.

If the same justification that is put forward here by the applicant is successfully applied to other playing fields in the Borough then the result would be the loss of significant areas of open space and playing fields to large scale built development. The proposal would therefore set a dangerous precedent which the Council must seek to avoid.

The application attempts to justify development on the basis of provision of sports pitches. This logic is of course flawed as the capacity for community activity would be much greater if the entire playing fields were available.

The applicant outbid three community groups who sought to acquire the site in 2015 and it is likely that should the applicant fail with their Planning Application, the community groups would seek to buy the site under the Asset of Community Value legislation. This would bring back the pitches for community use and remove the uncertainty of the future for local sports clubs and groups.



Should the applicant appeal the refusal of planning permission for this scheme then the UPPFT would support the Council in contesting any appeal as a third party. We would hope though that the applicant will consider the planning policy failures of the application and no longer pursue a scheme that would be so harmful the area.

Yours sincerely

A handwritten signature in black ink that reads "Jonathan Drew". The signature is written in a cursive style and is centered below the text "Yours sincerely".

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