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PLANNING TEAM

Dear Sirs

**PROPOSED SUPPLEMENTARY PLANNING DOCUMENT - ST MARY'S UNIVERSITY,
TWICKENHAM**

We write on behalf of the Neighbours of St Mary's University Residents Group ("NOSMU") in relation to St Mary's University's proposed development plans for its campuses at Strawberry Hill and Teddington Lock over the next decade.

We understand that the University is in the process of preparing a Supplementary Planning Document ("SPD") for the development of its campuses, and, from the timetable set out on the University's website, that it is proposed to carry out a statutory consultation of the SPD in autumn of this year.

NOSMU will, of course, provide a formal response to the consultation at that time, however we wanted to write ahead of the statutory consultation to set out NOSMU's position with regard to the proposed development of the Strawberry Hill campus ("the Strawberry Hill Campus") and Teddington Lock campus.

We understand from the consultation carried out by the University in April 2017 that the University has aspirations to increase student numbers by 50% by 2025. We also understand that as a result of this aspiration, the University is proposing to carry out significant development on the Strawberry Hill Campus and also Teddington Lock campus.

The consultation document from April 2017 included three proposed layouts which were marked as 'under consideration', which included:

- Masterplan D: The erection of seventeen new buildings and two large extensions to existing buildings, with the vast majority of buildings being four or five storeys. Of these new buildings, sixteen were proposed for student accommodation.

- Masterplan E: The erection of fourteen new buildings and one large extension to an existing building, with the vast majority of buildings being four or five storeys. Of these new buildings, eleven were proposed for student accommodation.
- Masterplan F: The erection of fourteen new buildings and one large extension to an existing building, with the vast majority of buildings being four or five storeys. Of these new buildings, twelve were proposed for student accommodation, in whole or in part.

In short, the three masterplans being considered are all fairly similar in that they involve a **substantial** amount of development. In each of the three masterplans the development proposed comprises high density tower blocks, to be situated on the existing sports fields and athletics track. Furthermore, there is significant development at the Teddington Lock campus with the re-location of the athletics track and several new buildings on land that is also designated as Metropolitan Open Land.

As you will appreciate, development of this scale within a residential area such as Strawberry Hill will have a significant impact on both the character of the area and the amenity local residents. It will come as no surprise to the University that NOSMU objects strongly to the proposals.

Aside from the serious and substantial impact on amenity and the character of the area, including the noise, parking, and anti-social behaviour associated with an increase in student numbers and the density of the proposed development, there are also a number of other planning considerations. These include the loss of the existing sports facilities, as well as heritage considerations and the consideration of the enormous impact such a proposal would have on the Metropolitan Open Land ("MOL"). This letter concentrates on the latter two considerations, however the University should note that NOSMU will be making further representations in relation to the other significant impacts of the development.

We have seen the comments on the proposals in the letter from Historic England dated 12th December 2016, and can only echo their concerns about the impact on the proposal on the important heritage assets within the Strawberry Hill Campus.

NOSMU endorses Historic England's comments about its serious concerns about the impact of new blocks of student accommodation being situated on the athletics track and playing fields in terms of its impact on the setting of Strawberry Hill House, a Grade 1 listed building of national importance, and the registered park and gardens. The impact on the other Grade II* and Grade II listed buildings within the Strawberry Hill Campus is also of great concern.

In view of the above, it is extremely difficult to see how a decision to grant planning permission for the development proposed could ever be made lawfully, given the statutory obligations in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which state:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

In accordance with the Court of Appeal's judgment in the case of *East Northamptonshire DC and Barnwell Manor Wind Energy Limited v Secretary of State for Communities and Local Government [2015]* the statutory duty listed above must be given "considerable importance and weight". The usual balancing exercise in determining planning application is not appropriate where heritage assessments are affected.

In addition to the heritage implications, it is extremely difficult to see how a decision to grant planning permission for the proposed intensity of development on the MOL could be made lawfully.

As you will be aware, in May 2017 the London Borough of Richmond's draft Local Plan was submitted to the Secretary of State for Communities and Local Government for independent Examination. Policy LP13 of the submitted Local Plan states:

“The borough’s Green Belt and Metropolitan Open Land will be protected and retained in predominately open use. Inappropriate development will be refused unless ‘very special circumstances’ can be demonstrated that clearly outweigh the harm to the Green Belt or Metropolitan Open Land”.

The policy goes on to say:

“It will be recognised that there may be exceptional cases where inappropriate development such as small scale structures may be acceptable, but only if it:

- 1. Does not harm the character and openness of the Green Belt or Metropolitan Open Land; and***
- 2. Is linked to the functional use of the Green Belt or Metropolitan Open Land, or supports outdoor open space uses; or***
- 3. Is for essential utility infrastructure and facilities for which it needs to be demonstrated that no alternative locations are available and that they do not have any adverse impacts on the character and openness of the Green Belt or Metropolitan Open Land”***

It is clear that the development proposals cannot meet this policy. The proposals in no way protect and retain the open use, nor are they “small scale structures” which cause no harm to the character and openness to the MOL.

In addition the provisions of the London Plan also apply to any development proposed on the Strawberry Hill Campus, and in particular, policy 7.17 which states that:

“The Mayor strongly supports the current extent of the Metropolitan Open Land, its extension in appropriate circumstances, and its protection from development having an adverse impact on the openness of the MOL. The strongest protection should be given to London’s Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt”.

The importance of protecting the MOL and the application of London Plan policy 7.17 has also been considered very recently by the Court of Appeal in the case of *Lensbury Ltd v Richmond-Upon-Thames London Borough Council*.

In that case Lord Justice Sales stated that the Council had:

“gone badly in its consideration of the planning merits of the application for development in this case. It failed to identify the development as inappropriate development in an area of MOL requiring the strongest protection against such development. ... In light of the strictness of the policy in policy 7.17 and the importance of the public interest that it protects, I do not think it can be said that it is highly likely that the outcome for the Appellant would not have been substantially different if the conduct complained of (i.e. failure to understand and apply policy 7.17 correctly) had not occurred”.

Following on from the Court of Appeal's criticisms, it would be surprising if the planning department of the London Borough of Richmond Upon Thames proceeded to grant planning permission for such a significant development in the MOL. If the Council did, this decision is one which would, no doubt, be susceptible to judicial review.

Equally, the adoption of an SPD setting out plans for significant inappropriate development in the MOL would also be likely to be susceptible to legal challenge.

Finally, we would like to remind the University that it has already carried out a significant amount of development at the Strawberry Hill Campus in the last ten years, including the erection of a sports hall and the remodelling of existing facilities within the MOL, under planning application reference 07/4107/FUL.

One of the considerations in the grant of this planning consent was the provision of a Section 106 Agreement dated 14th April 2010, which provided, inter alia:

“Clause 3.4: From the date hereof not to carry out any development on the area shown hatched green on Plan 2”.

As you will be aware, this land forms part of the land proposed to be developed.

Whilst we accept that it is possible to vary this obligation in the Section 106 Agreement in the event that planning permission is granted for the redevelopment of the Strawberry Hill Campus, this apparent willingness to disregard previous commitments understandably undermines the trust that NOSMU have in the University as a neighbour within its community.

We trust that this letter is of assistance in the preparation of the first draft of the SPD, and hope that the University takes NOSMU's concerns into account in any future proposals.

Yours faithfully

HARRISON CLARK RICKERBYS LIMITED