

LONDON BOROUGH OF RICHMOND UPON THAMES

LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC

WRITTEN STATEMENT

**HEARING 5: CHARACTER AND DESIGN; GREEN INFRASTRUCTURE; CLIMATE
CHANGE**

MONDAY 9 OCTOBER

COUNCIL RESPONSES TO QUESTIONS 1-7, ON CHARACTER AND DESIGN

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Does the Plan take a justified and suitably evidenced based approach towards design? Is the Plan consistent with national policy in such regards and will it be effective in implementation?

The Plan takes a justified and evidence based approach towards design. The Plan is also consistent with national policy and it is considered to be effective in its implementation. See the Council's responses to questions 1 to 7 within this Statement below.

As this is a Local Plan Review, the Inspector should note that since the adoption of the existing Core Strategy (SD-015) and Development Management Plan (SD-016), the Council has embarked on an ambitious programme of developing Village Plans for the borough. This is in recognition of the borough's unique and exceptional historic and built as well as natural environmental. [Village Plans](#) have been developed for each of the borough's 14 villages. They are a tool which the Council uses to help understand issues in each village community, to tailor services, and to facilitate communities to address issues themselves. Each Village Plan describes a vision for the village area, and identifies what the Council will do, and what local people can do, to achieve the vision together. These Village Plans were initially compiled between 2011 and 2013, and have undergone subsequent reviews and updates as required. The wider Village Plans are not statutory and they do not form part of the 'development plan' for the borough.

In response to the Council's 'All in One' survey, which showed that residents had a desire to shape planning guidance for their local area, the Council has been developing Village Planning Guidance SPDs for the borough, with the exception of Ham and Petersham, where the designated Neighbourhood Forum is developing its own Neighbourhood Plan for the area. Each village and their sub-areas are distinctive in terms of the community, facilities and local character. The borough's villages are highly attractive, with many listed buildings and conservation areas. The local character of each is unique, recognisable and important to the community and to the character of the borough as a whole. The SPDs identify the key features and characteristics of the village areas, including the most important aspects and features that contribute to local character and that are valued by local communities. A rolling programme is underway to develop these SPDs to ensure borough-wide coverage (with the exception of Ham and Petersham). The SPDs for Hampton Wick and Teddington (PS-032) as well as Hampton Hill (PS-031) have been adopted in June 2017, and the only outstanding SPDs are for Twickenham and Strawberry Hill, which are anticipated to be adopted by the end of 2017. These SPDs, collectively, together with the Ham and Petersham Neighbourhood Plan, which is anticipated to be submitted to the Council later in the autumn 2017, provide the overarching framework for assessing character and design.

1. Is LP 1 justified by the evidence base and consistent with national policy?

The Council considers that Policy LP 1 is justified by the evidence base and is consistent with national policy. The Council has developed a range of SPDs in relation to design, which provide the guidance and evidence base for this policy. These range from SPDs on Village Planning Guidance (PS-027 – PS-039, *inclusive*), Design Quality (PS-066), House Extensions and External Alterations (PS-067), Small and Medium Housing Sites (PS-068) to more specific SPDs such as on Front Gardens (PS-069) and Shopfronts (PS-070). These SPDs were developed by analysing and studying the borough's character as well as the quality of the built environment. The SPDs focus on maintaining and enhancing the quality of the local built environment, and provide the necessary detail to assess context, local character and design quality. In particular, the Council's Village Planning Guidance SPDs identify the key features and characteristics at a fine-grained spatial scale, which contribute to the local character of each village area and are valued by local communities.

The range of SPDs referred to above therefore form both a robust evidence base that supports Policy LP 1, as well as guidance to assist prospective developers and applicants bring forth appropriate development. The policy does not seek to impose the criteria required, but rather to outline the factors that will be considered in making planning decisions. The Council considers that this provides greater flexibility in the policy's implementation, and supports the ambitions of national policy to deliver new development that is of high quality design and architectural merit; that responds to local character and history; and that maintains or enhances the unique sense of place of Richmond's villages. The Council therefore considers that LP 1 is consistent with national policy, and in particular has regard for paragraphs 58, 60, and 61 of the NPPF, and with PPG design guidance on layout, form, scale, detailing, and materials.

To ensure soundness, should the Council's SPD be referenced in the supporting text and not in the Policy itself?

As stated in the Council's response to the Inspector's Procedural Letter ID-3 (LBR-LP-005), the Council's adopted SPDs only provide detailed advice or guidance on policies within the Plan, and do not create or represent policy themselves.

The Council's Village Planning Guidance SPDs identify the key features and characteristics of the borough's village areas that contribute to local character and that are valued by local communities. Along with the other SPDs relating to character and design, the Village

Planning SPDs therefore provide detailed guidance on design for prospective developers and applicants, and do not set out policy themselves. Their inclusion within the policy is intended as a signpost to supplementary detail and advice that the Council considers necessary to the successful implementation of LP 1, and is consistent with paragraph 153 of the NPPF. The policy reference to the SPDs is therefore considered to set out a clear relationship between policy and SPD, and because the SPDs provide such important advice and guidance on design quality and local character to applicants, the reference is justified within the main policy rather than its supporting text.

Is the policy positively prepared in relation to advertisements and shop fronts?

Many shopfronts in Richmond borough are of architectural and historic interest, and therefore make an important contribution to its character and appearance. In addition, they contribute to the strength of the borough's centres and its retail sector. The impact of an individual shopfront extends beyond the single unit, affecting the local area as a whole. It is therefore important that these are retained and that the alteration of the design of new shopfronts should be assessed against rigorous criteria, including guidance available in the Village Planning Guidance SPDs (PS027 – PS039, *inclusive*), the Shopfront SPD (PS-070) and other relevant SPDs. The requirements outlined within LP 1 are considered to be consistent with London Plan policies 7.1 and 7.6 and appropriate to protect against badly designed shopfronts and shop signs and their potentially detrimental impact on local character and appearance, or on the living conditions of local residents. This is particularly pertinent in the context of enforcement issues that the borough has experienced in the past and continues to encounter with regard to shopfronts as well as advertisements.

Similarly, LP 1 serves to protect the character of buildings, streets, and local areas from advertisements that could demonstrably harm the local amenity, or pose risks to public and highway safety. While LP 1 recognises the positive impact that advertising can have through enhancing the viability of a street, as Richmond has many historic buildings, areas and centres, the visual clutter resulting from hoardings and advertisements would have a disproportionately negative impact on the character of the area, particularly where they would affect Conservation Areas, Listed Buildings or Buildings of Townscape Merit, views from or within open spaces or along the Thames riverside and its tributaries, as well as within residential areas. Policy LP 1 therefore seeks to protect against such inappropriate development, and it is considered to support and provide more local and fine-grained detail to paragraph 67 of the NPPF.

In both respects, the Council believes that the parts of Policy LP 1 relating to advertisements and shopfronts functions to support a core aspect of the Local Plan's strategic vision, 'Protecting Local Character', and is considered to be positively prepared.

The Inspector should note that the Council is proposing minor technical changes and amending all existing references from 'shop fronts' to 'shopfronts' throughout the Plan.

2. Is LP 2 positively prepared, justified by the evidence base and consistent with national policy, particularly in relation to criteria 5, 6 and 7?

Policy LP 2 seeks to ensure that new buildings are of appropriate height such that they reflect and enhance the context of Richmond borough's valued town- and landscapes. This policy is based on local specific circumstances because the majority of the borough is characterised by predominantly low- to medium-rise residential development. Against this context, the policy outlines the conditions to which new buildings should adhere to. The criteria set out within the policy are considered appropriate and positively prepared, and are founded on a robust evidence base, as set out in the Borough-wide Sustainable Urban Development Study (SD-041) conducted by Turley Associates.

Among the conclusions of the Study were that the potential for 'tall' buildings in the borough is generally clustered close to Richmond and Twickenham train stations, and that 'taller' buildings may be appropriate in the centres of Richmond and Twickenham.

The supporting text at paragraph 4.2.3 defines 'Taller' buildings as being "significantly taller than neighbouring buildings, but less than 18 metres in height (below six storeys)", while 'tall' buildings are defined as those which exceed this height.

The Study further found that, beyond the very few sites outside Twickenham and Richmond centres with existing 'tall' or 'taller' buildings (where further 'tall' or 'taller' buildings may be appropriate subject to certain conditions), such development is otherwise likely to be inappropriate and out of character with the borough's historic context and local distinctiveness.

The Council considers that the Study provides a robust evidence base that justifies the requirements of LP 2, which, in turn, is in conformity with the requirements of Policy 7.7 of the London Plan; the latter requires boroughs to identify in their plans 'appropriate', 'sensitive', and 'inappropriate' locations for tall buildings. These locations are set out within the supporting text at paragraph 4.2.2.

In line with the PPG, the Council does not seek to prevent higher-density development, but rather LP 2 has been composed in the recognition "that buildings can be formed in many ways, for example, tall towers, individual stand alone units, long and low blocks, terraces", and that their success is dependent "on how they relate to their surroundings, their use and their architectural quality". This approach is outlined in paragraph 4.2.4, in the expectation that higher densities will be delivered without recourse to tall buildings. The Council considers this approach to be justified by the Borough-wide Sustainable Development Study

(SD-041), which identified that although higher densities could potentially be achieved in Whitton, East Sheen, and Teddington centres, the character of Whitton High Street and the majority of East Sheen is defined by 3-storey terrace buildings, and as such taller buildings would not be appropriate. In turn, Teddington centre is generally low-rise and the High Street is located within a designated Conservation Area, and therefore opportunities for taller buildings that are not harmful to their surroundings would be very limited.

Following national planning policy outlined in paragraphs 9, 17, 58, 131, and 157 of the NPPF, as well as Historic England's Advice Note 4 on Tall Buildings (PS-071), the Council considers that LP 2 sets out reasonable grounds and criteria against which development should be considered.

In particular, criterion 5 is intended to provide guidance to applicants that there are alternative and more appropriate ways to create local landmarks other than using height and creating tall buildings; for example an applicant could use a certain architectural style or a specific and unique design to create a landmark building.

In relation to criterion 6, in line with the evidence (SD-041), tall or taller buildings could have a greater impact on the built environment than other building typologies, creating problems with overshadowing, overlooking and potential harmful effects on residents and amenity. This borough has many protected views, including a strategic view from King Henry's Mound in Richmond Park to St Pauls Cathedral. In addition, this borough has the only view in the country that is protected by an Act of Parliament, and which seeks to prevent development of the land on and below Richmond Hill. Furthermore, there are 75 Conservation Areas as well as many Historic Parks and Gardens and other designated and non-designated heritage assets in the borough. Therefore, there is local justification and evidence that buildings should generally not be higher and bulkier than their surroundings due to the potential adverse impacts on the wider area, the historic skyline and the general character and appearance of the borough. Criterion 6 allows for some flexibility, i.e. where the development is of high architectural design quality and provides wider benefits and positive impacts.

With regard to criterion 7, because of the unique and special character of the borough (see paragraph above, as this criterion is closely linked with criterion 6), it is considered appropriate in this borough to require full planning where applications propose building heights in excess of the surrounding area. Outline planning permission would therefore not be acceptable because without being able to consider and assess the full details, the Council would be unable to judge the impact of a development proposal. This criterion is also considered necessary as it will assist in the effective implementation of the other criteria

set out within this policy. It is also consistent with the approach to the requirement for full planning applications in Conservation Areas.

As such, the policy is considered positively prepared and based on robust evidence and justification with respect to the historic context and character of the borough's built environment.

The Inspector should note the proposed change set out in the Council's 'Schedule of Minor Changes' concerning the extension and redevelopment of existing buildings.

3. Are LP 3, 4 and 7 positively prepared, justified by the evidence base and consistent with national policy?

NPPF Paragraph 126 specifies that Councils should sustain and enhance the significance of heritage assets; recognise the wider benefits arising from conservation of the historic environment; encourage new developments to contribute to local distinctiveness and draw on the role of the historic environment in contributing to sense of place.

National Policy requires the conservation of heritage assets in a manner *appropriate to their significance* (text in italics is Council's emphasis).

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the 1990 Act.

The London Plan includes Policy 7.8 – Heritage Assets & Archaeology and Policy 7.9 – Heritage Led Regeneration. Criteria F and G of Policy 7.8 state that boroughs, in consultation with relevant statutory organisations, should include appropriate policies for identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area.

Within this context, policies LP 3, 4 and 7 relate specifically to the borough's heritage. These directly reflect the Plan's vision to protect and enhance listed buildings, conservation areas and the Royal Botanic Gardens, Kew World Heritage Site, and its related objective to "Protect and where possible, enhance the environment including the heritage asset..."

The Council considers that these policies are positively prepared in that they place an emphasis on maintaining and enhancing the borough's unique heritage assets. The policies are fully justified by local circumstances within the borough where there are 75 Conservation Areas and over 1,200 listed buildings.

Policy LP 3 seeks to conserve and enhance designated heritage assets through giving great weight to the conservation of the asset when considering the impact of a proposed development, resisting the demolition of listed buildings and resisting their change of use where it would materially harm their character and distinctiveness as well as resisting substantial demolition in conservation areas.

Policy LP 4 seeks to preserve and enhance the borough's non designated heritage assets and includes a presumption against the demolition of Buildings of Townscape Merit.

Policy LP 7 seeks to promote and enhance the Council's archaeological heritage and provides the basis for refusal of planning permission where proposals would adversely affect archaeological remains.

Historic England made a number of representations on the Publication Local Plan consultation and the Council has developed and agreed a positive Statement of Common Ground (LBR-LP-008) with them, which proposes a number of minor modifications to Policy LP 3. The Council considers that the Publication Local Plan Policies LP 3, LP 4 and LP 7, in conjunction with the proposed amendments, provide a sound basis for safeguarding and enhancing local heritage that are consistent with national policy.

4. What is the evidence base underpinning the Views and Vistas referred to within LP5. Does criteria 6 (a, b, c) make grammatical sense?

NPPF (paragraph 58), states that Local Plans should develop robust policies that set out the quality of development expected for the area. Policies should be based on stated objectives for the area's future and an *understanding and evaluation of its defining characteristics* (text in italics is the Council's emphasis). The borough is defined by many specifically recognised views and vistas that contribute to its rich heritage and landscape character, most notably the strategic view from King Henry's Mound in Richmond Park to St Paul's Cathedral; and the only view in the country protected by an act of Parliament (as set out in Paragraph 4.5.3 of the Plan).

The London View Management Framework (LVMF) forms the strategic context and includes guidance for managing important views that traverse the London boroughs. Policy 7.12 of the London Plan provides context for implementing the LVMF. It designates the linear view from King Henry VIII's Mound, Richmond Park to St Paul's Cathedral. As part of the preparation of Local Plans, boroughs should reflect the principles of this policy and include all designated views including protected vistas into their plans. Criteria J of 7.12 suggests that boroughs may wish to use the principles of this policy for the designation and management of local views.

The Thames Landscape Strategy Review (Hampton to Kew) SPG 2012 (PS-072) identifies a large number of views, which are important to the landscape, the majority of these were incorporated into the 1996 Unitary Development Plan Proposals Map and have been carried forward into subsequent plans, including this one.

LP 5 is informed by a long standing policy, which first appeared as ENV 2 in the 1985 Richmond Local Plan, was taken forward as ENV 2 in 1996 Unitary Development Plan, then as ENV 5 in the saved UDP First Review and more recently as Policy DM HD 7 in the Development Management Plan (SD-016). The views and vistas associated with this policy are set out on the Proposals Map and the majority have been protected for a significant length of time. The Council considers that the policy has clearly been a robust and effective tool in safeguarding strategic and locally important views and vistas within the borough.

Following discussion with Historic England, the Council has agreed a minor amendment to part 5 of LP 5 as set out within the SOCG with Historic England (LBR-LP-008).

5. Is LP 8 positively prepared, justified, and capable of effective delivery?

The Council considers this policy to be justified and capable of effective delivery. In addition, it has been positively prepared and reflects the local evidence and unique characteristics of the borough.

This policy seeks to protect adjoining properties from the local impacts of new developments, including setting out design criteria to protect neighbouring properties from overshadowing and overlooking. It brings forward Policy DM DC 5 – Neighbourliness, Sunlighting and Daylighting from the Development Management Plan (SD-016). It is an amalgamation of two previous longstanding policies, i.e. one on unneighbourliness and one on sunlighting and daylighting. An additional part was added to Policy LP 8, which sets out a minimum distance of 20m between the windows of habitable rooms. This requirement stems from the Small and Medium Housing Sites SPD (PS-068), which was adopted in 2006 and has been successfully implemented since then by providing additional guidance and advice for applicants.

The reason for setting out minimum distances within the main policy is because in defining layout, it is important that new development does not infringe on the privacy, daylight and sunlight of adjacent properties nor that of the future intended occupiers. To make sure that the privacy of occupiers is respected, the windows of the main facing habitable rooms should be no less than 20m apart (as set out in Point 2 of LP 8). Where principal windows face a wall that contains no windows or those that are occluded, this distance can be reduced to 13.5 metres (as set out within paragraph 4.8.8 of LP 8).

Therefore, the policy sets out the minimum standards that the Council would expect applicants to follow and comply with. It is acknowledged that there may be site specific circumstances that could prevent 20m distance between main facing windows of habitable rooms from being achieved; however, such circumstances would be seen and treated as exceptions to policy and would be considered on a site-by-site basis. This is reflected in the supporting text to Policy LP 8 at paragraph 4.8.4, which places an emphasis on the overall design, "taking all factors into account including the area's character, that will be the determinant of whether a proposal provides reasonable amenity and living conditions." As set out within the Small and Medium Housing Sites SPD (PS-068), despite standards of separation distances, some areas of the borough, such as those with historic places, are characterised by intimate pedestrian lanes and courtyards with less than the required distances. In such instances, the Council would not preclude development and other design solutions such as staggering of facing windows to prevent direct views could be used as to mitigated privacy concerns. In addition, the adopted House Extension and External

Alterations SPD (PS-067), sets out measures how to minimise overlooking. Therefore, the Council considers that this provides scope for flexibility and allows for an assessment on a case-by-case basis.

The policy has a long history of effectiveness and is fully justified within the context of national planning guidance and the London Plan. Given the constrained nature of the borough's built environment it is important to protect local residents from potential amenity issues. This directly fulfils the Local Plan's Objective (page 16, A Sustainable Future, Objective 5), to ensure local environmental impacts of development are not detrimental to the health, safety and amenity of existing and new occupiers of a development.

In addition, further detailed guidance on residential amenity standards is contained within the Residential Development Standards SPD (PS-042) and Small and Medium Housing Sites SPD (PS-068). Both documents stress that although the requirement for a minimum distance of 20m is a borough wide standard, there is flexibility to take account of this on a site by site basis.

It should also be noted that PPG (paragraph 026) specifies "The size of individual buildings and their elements should be carefully considered as their design will affect the overshadowing and overlooking of others, local character, skylines and vistas and views."

Further to the Council's response to the Inspector's initial questions (LBR-LP-005, page 10), it is proposed that the last paragraph of Policy LP 8 should be amended to read as follows, and as set out within the Council's 'Schedule of Minor Changes': "Applicants are expected **to follow the guidance set out within** the Council's SPD relating to design, including Village Planning Guidance, SPDs on extensions, infill and backland developments, housing mix and standards as well as residential development standards."

6. Is LP 10 justified by the evidence and has it been considered for its effect upon viability? Is the monitoring charge for CMS justified, consistent with national policy and how will it be implemented in practice?

Within the Policy Background Paper (SD-008), which included an assessment against national and regional guidance as well as a consideration of local evidence and need, it was established that in light of the NPPF, PPG and London Plan, a new overarching policy that deals with construction and pollution matters should be incorporated within the Local Plan Review. This is in light of the NPPF (paragraph 109), which states that the planning system should contribute to and enhance the environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

In relation to air quality specifically, the NPPF (paragraph 124) states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Additional guidance is set out within the PPG, including the need to consider the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments; the impact of point sources of air pollution (pollution that originates from one place); and ways in which new development would be appropriate in locations where air quality is or is likely to be a concern and not give rise to unacceptable risks from pollution. Furthermore, the London Plan (Policy 7.14) states that boroughs should have policies that seek reductions in levels of pollutants. The whole of the borough is an AQMA and therefore part B of Policy LP 10 is justified by the evidence and consistent with national as well as regional policy and guidance. In addition, air pollution is also relevant with regard to Part E of the Policy relating to odours and fume control.

With regard to noise pollution the PPG states (paragraph 123) that policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and mitigate and reduce to minimum adverse impacts on health and quality of life arising from noise from new development. In addition, London Plan policy 7.15 states that boroughs should have policies to manage the impact of noise through the spatial distribution of noise making and noise sensitive uses. As such, part C of Policy LP 10 is considered to be justified by the evidence and consistent with national as well as regional policy and guidance.

In relation to light pollution, the PPG provides advice on how to consider the impact of artificial light within the planning agenda to avoid nuisance and ensure amenity. In addition,

the Mayor's Sustainable Design and Construction SPG (PS-073) sets out the types of light pollution, the potential harmful effects, and how to design lighting appropriately to minimise nuisance. As such, part D of Policy LP 10 is considered to be justified by the evidence and consistent with national as well as regional policy and guidance.

With regard to land contamination, Part F of the policy is considered to be justified and consistent with national (NPPF paragraph 120) and regional policy guidance (London Plan policy 5.21).

In relation to construction and demolition (Part G of the Policy), it should be noted that there is no national or regional policy in place that deals with this. However, the Mayor of London's Control of Dust and Emissions during Construction and Demolition SPG (PS-074) outlines good practice for construction sites and controlling emissions including noise. Whilst issues relating to construction management are usually dealt with as part of planning conditions, the Council's Local Validation Checklist (PS-025) requires all major applications as well as all applications for basement developments to be supported by a Construction Management Statement (CMS). Due to the character and nature of this borough, which consists predominately of large swaths of protected parks and open spaces with the remaining areas being relatively dense low-medium rise centres, towns and villages, it is important that occupiers and residents are protected from environmental disturbances. As a suburban borough, construction activities can have significant impacts on surrounding communities, particularly in relation to impacts on roads, noise and air quality. The purpose of a CMS is to minimise the potential harmful impacts of construction, such as noise, dust and fumes, including potential impacts relating to air quality and vibration both for construction on site and the transport arrangements for servicing with possible impacts on congestion and road safety.

Therefore, it is considered to be appropriate, given the local circumstances and content of this borough, to require a CMS for certain types of developments as set out within criteria 1 to 4 of Policy LP 10 G.

The Council can confirm that the impact of this policy has been considered for its effect upon viability. The cost would be covered in build costs and an allowance within the Whole Plan Viability Assessment (SD-024) has been made to cover any site specific contributions, as set out at paragraph 11.2: "A rate of £1,000 per housing unit for any other S106 costs has been allowed for, that could be S278 contributions or other site specific contributions if in accordance with the revised Planning Obligations SPD alongside the borough and Mayoral CIL contributions."

In relation to the CMS monitoring charge, this will only apply to the schemes set out within criteria 1 to 4 of Policy LP 10 G. The change is necessary in order to meet the costs of reviewing, assessing and enforcing CMS documents. The reasoning for such contributions is not dissimilar to contributions sought for Travel Plans, i.e. “developers may also be required to pay, via a planning obligation, for officer time in carrying forward travel plans and making them effective”. (Para. 6.12 of the Council’s Planning Obligations SPD PS-043).

It is considered that only relatively few applications / permissions would be affected by this policy (note Appendix 1 of the Council’s Hearing Statement 5, which sets out the relatively low numbers of major applications determined in the last 3 years).

It is also noted that the City of Westminster, which can be considered a similar borough in terms of constraints and development pressures such as for basement developments, adopted a new [Code of Construction Practice](#) in September 2016 to monitor, control and manage construction impacts on sites. The Code classifies developments according to their size with different obligations and fees payable depending on the size of project. As part of Westminster’s adopted policy CM28.1 (Basement Development), applicants will have to comply with this Code. Similarly, the London Borough of Camden has introduced in April 2016 an [Advice Note](#) on ‘Construction and Demolition Management Plans: introduction of Implementation Support Contribution to be secured under S106’.

Richmond Council will be developing a similar Code of Construction Practice / Advice Note and charging schedule in relation to the monitoring of CMSs, and the Code / guidance document will set out in detail how the implementation of this charge will work in practice. The fee will vary dependent on the type of development and the duration of the project, based on actual costs incurred. In line with the NPPF and PPG, policies for seeking Planning Obligations should be set out in a Local Plan, which Policy LP 10 does.

7. What is the justification for LP 11 and is it consistent with national policy? Is the EA satisfied with the content of the policy? Should the policy include reference to SPD?

Basement and subterranean developments in residential areas of the borough have become an increasingly popular way of gaining additional space in homes, without the need to relocate to larger properties as well as increasing the land value. Several factors are considered to contribute to the increasing number of applications for basement developments, i.e. the shortage of land, high land value as well as constraints imposed by heritage designations (e.g. Conservation Areas etc.). The vast majority of applications relate to new, or extensions to existing basements, under existing dwellings within established residential areas. (See Appendix 4 of SD-049 for a detailed analysis of numbers of planning applications submitted involving basement developments between 1/1/2011 and 31/7/2016.)

There are a number of concerns and issues related to basement developments, which this policy seeks to address:

- Complaints and objections from neighbouring properties / surrounding areas due to the nuisance and disturbance created during the construction process, including construction traffic, parking suspensions, noise, dust and vibration.
- Complaints and concerns that the creation of basements, particularly in relation to heritage assets and within residential rows of terraced housing, could lead to issues with structural stability of the host building itself as well as to surrounding properties.
- Concerns that the creation and addition of basements to existing homes leads to even more unaffordable homes and thereby the loss of small / smaller family dwellings, thus exacerbating the issue of rising residential land and property values.
- Concerns in relation to over-development of the site and/or inappropriate intensification of existing properties, thereby impacting negatively on the character of an area.
- Concerns that basement developments change the character as well as the social dynamics of an area, also impacting on the living conditions of future occupants of the basements as well as of residents in neighbouring properties.
- Concerns due to the impacts on garden areas that contribute significantly to the special character and uniqueness of the borough, by for example introducing a degree of artificiality into a garden area where the range of trees and planting is likely to be restricted due to the presence of a basement.
- Concerns in relation to increases in surface water runoff by adding basements under the garden areas.

- Concerns that basement developments do not take sufficiently into account flood risks and the potential risks to life.

The Council has dealt with complaints and concerns in relation to basement developments for a number of years. Evidence has been produced on behalf of the Council by consultants in 2014 (SD-050). As part of this research the Council established that national planning policy is silent on the issue of basement development as it is largely written for above-ground development. In addition, the [Town and Country Planning \(General Permitted Development\) \(England\) Order \(GPDO\) 2015](#), Schedule 2 Part 1 Class A, allows the 'enlargement, improvement or other alteration of a dwellinghouse, by way of basement development, lightwells or any other development below the dwellinghouse or its curtilage', which means that planning permission is not required for the majority of basement extensions. One of the research's long-term recommendations was to prepare DPD level guidance as part of a new Local Plan.

The Council has been working with other London Boroughs, such as Westminster, Kensington and Chelsea and Camden, to seek changes to national planning policy and guidance or to relevant legislation. However, Government made it clear that it has no intention to further regulate or set out policies on a national level, and that local authorities already have the tools needed to address this issue locally, such as the consideration of Article 4 Directions or the development of specific planning policies. It is therefore clear that the issues and concerns set out above associated with basement developments in this borough cannot be dealt with through existing means, such as other local or national policies or legislation.

To deal with the rising concerns and complaints in relation to basements, the Council established a Basement Scrutiny Panel, which led to the development of this specific policy within the Local Plan as well as the introduction of Article 4 Directions across the whole borough (see SD-048 and SD-049).

The [final report of the Basement Scrutiny Panel](#) (PS-075) will be presented to the Council's Overview and Scrutiny Committee on 11 September. The recommendations of the Panel will subsequently be considered by the Council's Cabinet in October 2017. Policy LP 11, as well as Policy LP10 in relation to managing and limiting environmental disturbances during excavations and construction of basements and subterranean developments, were important considerations and have been informed by discussions and analysis at the Scrutiny Panel.

Since the submission of the Local Plan, the Secretary of State has confirmed that it will not intervene in, or modify, the two Borough's Article 4 Directions on basements, which together

will cover the whole of the borough. The Article 4 Directions have now been confirmed by the Council and therefore they will come into effect on 1 April 2018. It is anticipated that this would approximately coincide with the adoption of the Local Plan, subject to the outcomes of the examination in public. A minor change is proposed by adding a sentence at the end of paragraph 4.11.1 of LP 11 to reflect the emerging Article 4 Direction as follows: **“The Council has made two Article 4 Directions, which come into effect on 1 April 2018, to remove permitted development rights across the whole borough for basement and subterranean developments.”**

Policy LP 11 is clearly worded to ensure effective delivery with a set of detailed criteria for the holistic management of basement development. It covers all material planning considerations, such as in relation to the need to protect character and appearance, protecting existing garden land, structural stability, drainage, flood risk, trees as well as setting out the type of investigations and studies that should be carried out. This approach is clarified in greater detail in the supporting text, which gives clear guidance on the approach to development which the Council would encourage applicants to adopt.

Given the increasing number of planning applications relating to basement development in the borough and the potential individual and cumulative impact on environmental, social, design and economic objectives, it is considered that Policy LP 11 is justified based on the evidence and consistent with national policy.

It should be noted that the EA did not provide any specific comments with regard to the content of this policy, but they support LP 21 in relation to the restriction of self-contained basements and bedrooms accommodation in Flood Zone 3b and 3a. Since the Inspector has issued the Main Issues and Questions, the Council sought clarification from the EA in this regard, and they have confirmed to the Council that they are content with this policy.

The reference to the SPD within the main policy text is considered to be appropriate in this instance as there is a clear relationship between the policy and the SPDs referred to. Notwithstanding, the Council proposes a minor change as follows to reflect an emerging SPD on basements and subterranean developments, as recommended by the Scrutiny Panel: **“Proposals for subterranean and basement developments, including extensions, as well as lightwells and railings, will be assessed against the advice set out in the Council's SPDs relating to character and design as well as the relevant Village Planning Guidance and the forthcoming SPD on Basements and Subterranean Developments.”**