

John Slater Planning Ltd

Ham and Petersham Neighbourhood Plan 2018 - 2033

Submission Version

A Report to the London Borough of Richmond upon Thames on the
Examination of the Ham and Petersham Neighbourhood Plan

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the newly adopted London Borough of Richmond upon Thames's Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Ham and Petersham Neighbourhood Forum. A Steering Group was appointed to undertake the Plan's preparation. Ham and Petersham Neighbourhood Forum has been designated a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Ham and Petersham Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by the London Borough of Richmond upon Thames, the local planning authority (LPA) for the neighbourhood plan area.

The Examiner's Role

I was formally appointed by the London Borough of Richmond upon Thames in March 2018, with the agreement of the Ham and Petersham Neighbourhood Forum, to conduct this examination. My role is known as an Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both the London Borough of Richmond upon Thames, and the Ham and Petersham Neighbourhood Forum and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the Plan should proceed to referendum if modified; or
- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Ham and Petersham Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a) Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b) Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area?
- c) Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act 2011 and has been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by London Borough of Richmond upon Thames, for the Ham and Petersham Neighbourhood Plan on 16th January 2014.

I can also confirm that it does specify the period over which the Plan has effect namely the period from 2018 up to 2032. I will recommend that the period of the plan is added to the title of the Plan.

I can confirm that the Plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

On 16th January 2014, the Ham and Petersham Neighbourhood Forum was designated by the Council as a “qualifying body” under the terms of the legislation.

Recommendation

That the title of the Plan should read Ham and Petersham Neighbourhood Plan 2018-2032.

The Examination Process

The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the Plan, without the need for a hearing, although I did need to invite additional written evidence.

I carried out an unaccompanied visit to the area on 28th April 2018. I spent the afternoon driving and walking around the area. Following that site visit, I had some questions and matters that needed clarifying, which were directed to the Forum and the Council. These were set out in a document entitled Questions from the Independent Examiner dated 30th April 2018. I subsequently received separate replies on 8th May 2018. Finally, on 16th May I asked an additional question relating to Policy G1 to which I received a reply on 24th May 2018. All the documents have been placed on the relevant websites.

The Consultation Process

The Forum was launched at an initial public meeting held on 11th June 2013 which was attended by approximately 180 people. The composition of the Forum was confirmed at a second public meeting held on 10th September 2013. This session also conducted a Visioning Exercise to “brainstorm” topics that the neighbourhood plan should address.

A further public meeting was held on 10th December 2013 which undertook further work on topics. In April 2014, drop-in sessions were held at Ham Library to get further public input on the issues. During June 2014, leaflets promoting further public engagement were distributed at local shopping parades as well as the Ham Fair. Further public meetings were held at the end of November 2014 focusing on a number of key questions.

The Forum members made a specific point of seeking to engage with primary school children, with separate sessions held during autumn 2015.

The next stage was the holding of Policy Development Workshops which were held between January and June 2016.

During the Plan's preparations, the Forum contributed to the emerging proposals for the Ham Close redevelopment and also engaged with the owners/developers of the Cassel Hospital site and St Michael's Convent.

All this activity culminated in the publication of the Pre-Submission version of the plan, known as the Regulation 14 Consultation. This ran for six weeks from 30th January 2017 to 10th March 2017. The comments received are summarised in the Consultation Statement and set out in full in Appendix 3.

I am satisfied that the Neighbourhood Forum has actively sought to engage the public and have used a variety of communication techniques to allow residents and stakeholders to influence the content of the Neighbourhood Plan.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 7-week period between 6th December 2017 and 26th January 2018. This consultation was organised by the London Borough of Richmond upon Thames, prior to it being passed to me for examination. That stage is known as the Regulation 16 Consultation.

In total 18 individual responses were received; from Historic England, Natural England, London Borough of Richmond upon Thames, Sports England, National Grid, Marine Management Organisation, Port of London, Thames Water Utilities Ltd, Highways England, Environment Agency and Transport for London. In addition, I received representations on behalf of the following landowners, West London Mental Health NHS Trust, Richmond Housing Partnership Ltd and Beechcroft Developments Ltd. I also received 4 individual representations from local residents.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.

The questions which constitute the basic conditions consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that the Neighbourhood Plan:

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan;
- Will the making of the Plan contribute to the achievement of sustainable development;
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area;
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC;
- Whether prescribed conditions are met and prescribed matters have been complied with;
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site (as defined in the Conservation of Habitats and Species Regulations 2017 either alone or in combination with other plans and projects)

Compliance with the Development Plan

When the Plan was being prepared the Development Plan comprised the London Borough of Richmond upon Thames Core Strategy, adopted in 2009, the Development Management Plan, adopted in 2011, and the latest version of the London Plan which was adopted in 2016. However, this Neighbourhood Plan was prepared with regard to the policies in the emerging Local Plan, which had by then reached a fairly advanced stage. During the course of the examination the Inspector’s report was received and as the Plan’s adoption was imminent, so I delayed the preparation of the final version of this examination report until the new

Local Plan was adopted, which took place at Full Council on 3rd July 2018. As such this Local Plan could not be more up to date. The previous Richmond plans have now been superseded by the latest Local Plan.

The overarching London Plan was initially adopted in 2011 but there have been a number of subsequent alterations which have been incorporated into the Plan including new parking standards issued in March 2016.

There is to be a new London Plan which is the currently the subject of public consultation. This is proposing a radical increase in housing numbers across the city, with the proposed housing target for the London Borough of Richmond increasing from the annual target of 315 homes per year period for the period 2015 to 2025, up to a proposed annual target of 811 for the period 2019/20 to 2028/29. The London Borough of Richmond has objected to this figure and I will not be attaching any weight to this plan which is at an early stage of preparation. Furthermore, Ham and Petersham has been assessed as being within the lowest accessibility zones within London and it is likely that any increase in housing would not be directed to the parts of Richmond Borough which has the lowest accessibility.

The new Local Plan recognises the importance of protecting the green spaces within the Plan area and also the need for the protection of its residential character. There are a number of proposal sites identified in the Local Plan, which fall within the Neighbourhood Plan area. These are Ham Close, Cassel Hospital and St Michael's Convent. All three are also identified in the Neighbourhood Plan which provides further guidance.

Compliance with EU and Human Rights Legislation

The Neighbourhood Forum appointed consultants to prepare a draft screening report. It concluded that an SEA was not required. This conclusion was also shared by 2 of the 3 consultation bodies, Natural England, and the Environment Agency. Historic England did not respond. The LPA carried out its own screening opinion and in a report dated 6th June 2017 concluded that that the Neighbourhood Plan was unlikely to have a significant effect on the environment and a Strategic Environmental Assessment would not be required.

The Basic Condition Statement stated that as the Neighbourhood Plan area is not in close proximity to any designated nature sites, it therefore does not require an Appropriate Assessment under the EU Habitat Regulations. In fact, the Neighbourhood Plan adjoins the Richmond Park SAC and is within only half a kilometre of Wimbledon Common SAC. I raised my concerns that the LPA, as a

competent authority, had not formally screened the Neighbourhood Plan under the Habitat Regulations. The Council agreed to conduct a formal screening exercise and has consulted with Natural England, who have agreed with the conclusion that the Plan will not have any significant effects upon any European Protected sites and an Appropriate Assessment would not be required.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the Plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

The Neighbourhood Forum are to be congratulated on producing the first neighbourhood plan in the London Borough of Richmond upon Thames. It is a well presented, evidence-based plan and is a very professional looking document. I have not had to recommend any policies be deleted as they have not been justified by evidence.

The Plan has been prepared in parallel with the Borough's Local Plan, which has now very recently been adopted. That adoption has simplified my consideration of the basic conditions, in terms of the neighbourhood plan's alignment with strategic policies in the adopted local plan.

However, whilst the Local Plan was "emerging" and had the Neighbourhood Plan policy been made, these proposed policies could have been given "development plan status". That concern has now disappeared as an issue. However, I have noted that a number of the Neighbourhood Plan's policies merely repeat the requirements of the Local Plan. These Local Plan policies already apply to the Ham and Petersham area, and there is no benefit in them being merely duplicated in the Neighbourhood Plan. As the Planning Policy Guidance states in relation to a policy in a neighbourhood plan, "It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared". Essentially these policies are merely requiring compliance with another part of the development plan. Their removal does not in any way weaken the value or importance of the Neighbourhood Plan. The two documents will be read together and used to guide and shape development in the locality.

A number of the Plan policies do not pass the requirement to be "policies for the development and use of land". The sole purpose of a neighbourhood plan policy is to be used to determine planning applications. The question on the referendum paper will be along the lines of "Do you want the London Borough of Richmond upon Thames to use the Ham and Petersham Neighbourhood Plan to help it decide

planning applications in the neighbourhood area?” There are numerous examples where the Neighbourhood Forum has attempted to introduce a policy that covers matters that are unrelated to the determination of planning applications, such as the management of open space or the spending priorities on transport in the area or encouraging landowners to properly maintain their communal areas. These matters can quite properly be included within the neighbourhood plan document, as an indication of the community’s views, but the Secretary of State guidance is clear that they should not be included within a *development plan policy* but should be clearly differentiated by example, describing them as community aspirations or including them within the supporting text. For example, I have had to amend the approach the Plan takes to the opportunity sites to ensure that the Plan’s aspirations are in a policy that would be relevant to the determination of a planning application. I will leave it to Neighbourhood Forum, in conjunction with the Richmond planners to decide how best to deal with such matters, in the light of my recommendations.

There also need to be adjustments made to the supporting text of the policies where I have made recommendations, which are matters beyond my remit as an examiner, but it is important that the final neighbourhood plan reads as coherent planning document. The Council has proposed a number of changes to the supporting texts in its consultation response, which are not matters I have to consider in the context of the basic conditions but I would urge the two parties to sit together and see if the changes can be incorporated to improve the document.

Finally, this takes me to another presentational issue. It relates to how the Plan identifies what is the policy. It is absolutely vital that there is clarity as to what constitutes the development plan policy. The Plan uses a numbering regime which gives the policy the same status as other paragraphs in the Plan by the sequential numbering of the paragraphs. I have a strong recommendation that all the policies should be clearly identified whether within a policy box or emboldened, in some way so there is no chance of misinterpreting what constitutes the policy. Some neighbourhood plans will put the planning policy in a particular coloured box and community aspirations in another colour. Again, I will leave that to the relevant parties to resolve, but the status of the policy within the Plan does need to be highlighted.

Recommendation

All policies within the plan be clearly differentiated from the supporting text and not sequentially numbered with other paragraphs.

The Neighbourhood Plan Policies

Policy C1- Protecting Green Character

On my site visit I was particularly struck by both the quantity and the quality of the open space within the Plan area. The policy seeks firstly to retain a clear distinction between the built-up areas and the green spaces. These areas are very evident on the ground and I am satisfied that the boundary would be obvious to any decision maker, without reference to the line being drawn on a map. I do not consider that it is necessary to duplicate the policy dealing with the impact of lighting on the green space. To include that element of the policy could cause confusion as to which policy an applicant is required to comply with. I consider that the specific policy relating to Light Pollution G2 is the more appropriate policy being more detailed and I will recommend that this part of the policy be deleted.

The second and third paragraphs of policy set out requirements for the extension, improvement and renewal of existing facilities in the green spaces and the wording should be caveated “to the extent that any of the works actually require planning permission.” Many of the items highlighted in paragraph 2.3.3 i.e. signs and fences and lighting would not necessarily be subject to planning control.

Recommendations

Delete the second sentence in para 2.3.1

At the start of the sentence in para 2.3.2 insert “In as much as any works require planning consent...”

At the start of the sentence in para 2.3.3 insert “In as much as any works require planning consent...”

Policy C2 – Character and Context Appraisal

This policy imposes a requirement for a planning application for a new building to be accompanied by a particular document – a Character and Context appraisal. That is not within the remit of a development plan policy. The documents which are required to be submitted with the planning application are set out in the Local Validation Checklist, which in the case of the London Borough of Richmond upon Thames was last updated October 2017. A Design and Access Statement is only required for major developments, or the development within conservation areas of at least a single dwellinghouse or buildings with a floorspace of over 100 m².

Notwithstanding my comments regarding a policy requiring the submission of a specific document, there is no reason why an application cannot be expected through this policy to have to demonstrate that its design has had regard to the underlying features of the neighbourhood character areas or indeed the conservation areas.

Recommendation

In para 2.4.1 delete” be accompanied by a Character and Context appraisal which” and replace with “demonstrate how the proposal.”

Policy C3- Protecting the Character of Built Areas

This policy will only be relevant to a planning application which, by its location or scale, is adjacent to existing paths or is capable of incorporating proposed routes which then can connect to the network of routes through the area. The policy will only be applicable to a limited number of developments and I propose to include the proviso “where it is both possible and practical for the scheme to retain and/” or add to the network of paths and through routes....

Recommendation

In para 2.5.1 in the first sentence after “should”, insert, “where it is both possible and practical for the scheme to” before “retain”.

Policy H1 – Residential Development

The policy only allows housing development on the Plan’s allocation sites and on previously developed land. However, there is an inconsistency with Policy O7 which refers to “previously developed brownfield land *and other small sites*”. Furthermore, this policy is taking a more stringent policy position against infill and backland development than is set out in Policy LP39 of the Local Plan, which allows infill development that meets 10 criteria. It is a fundamental principle that a neighbourhood plan policy should not deliver, as a result of its policies, less development than a Local Plan. I therefore consider that to be consistent, the policy should also allow residential development on *small sites*. The area’s open spaces and the special character of the area are already protected by other plan policies.

I therefore propose to add to the policy “other small sites which meet the criteria set out in policy LP39 of the Local Plan”. The Policy Application section, set down in para 3.3.2, will also need to be amended as it refers to schemes of 50 and over residential units whilst the policy does not contain that threshold. Also, when I

raised the potential for the subdivision of properties being a source of new homes, I was told by the Neighbourhood Forum that this was not an issue in the area due to the nature of the housing stock and so the policies in the new Local Plan are sufficient. In that case, I will clarify the remit of the policy so that it only relates to *new build* housing and is not applicable to conversions or changes of use to residential.

Recommendations

In para 3.3.1 insert “build” after “new”.

At the end of the policy insert “and other small sites which meet the criteria set out in Policy LP39 of the Local Plan”.

Replace the wording of para 3.3.2 to relate to all residential development

Policy H2 – Housing Mix

This policy merely repeats the policy set out in the new Local Plan. It does not add any local dimension to the policy. The text refers to it as building on Policy LP35 but in my opinion it merely repeats the policy that already applies in the Plan area - it does not, as suggested in para 3.4.3, build on the policy. It is unnecessary duplication which reduces the clarity for applicants as to which development plan policies apply and I will be recommending that this policy be deleted.

Recommendation

That the policy be deleted.

Policy H3 – Affordable Housing

Again, this Neighbourhood Plan policy merely requires compliance with the terms of the Local Plan and its accompanying SPD. It offers no local dimension, which is normally expected of a neighbourhood plan policy. I am therefore recommending that the policy be deleted.

Recommendation

That the policy be deleted.

Policy H4 – Housing Standards

The Secretary of State has stated that optional National Technical Standards can

only be triggered by a local plan policy, having been the subject of viability testing. That has now been invoked by Policy LP35 of the Local Plan as a *requirement* as opposed to the policy which only *encourages* compliance. I do not believe that it is the intention of the Neighbourhood Plan to offer a lower threshold to be imposed on residential development and in view of the need for the Neighbourhood Plan to offer certainty to applicants I propose to recommend the policy be deleted. If I were to retain the policy it would mean that decision makers would face a situation where the Local Plan “requires” compliance with national space standards but the Neighbourhood Plan only “encourages” compliance.

Recommendation

That the policy be deleted.

Policy H5 – Design Principles for Housing Development

This is an appropriate planning policy. I did have concerns regarding a policy presumption against development of more than four storeys (although I acknowledge that it is not an absolute prohibition). With regard to the Ham Close redevelopment, which is the only feasible location for higher density development and taller buildings, I consider that there is no justification for establishing a maximum height in policy terms. I note that the existing buildings are five storeys high and having walked around the area, I agree with the representations made on behalf of the Richmond Housing Association, that within the central part of the Ham Close site there would be no damage caused to the visual appearance of the area if a limited number of blocks were over four storeys in height. I propose to recommend a change to the wording of the policy to become a positive statement which will allow development over 4 storeys where it can be demonstrated that positive benefits result.

Recommendations

In Principle 2. Replace the second sentence with “Developments over 4 storeys will be considered acceptable if the proposal demonstrates positive benefits in terms of townscape and local aesthetic quality and relate well to their context.”

Policy T1 – Travel Plans

The requirement to undertake a transport assessment is a matter that is again covered by the Local Validation Checklist. However, the objective of the policy can be achieved by a revised wording of the policy.

I am concerned that the second element of the policy, for car club parking to be

additional to on-site parking standards. If full compliance with parking standards is achieved then the case for having separate car clubs parking diminishes. I consider that the overall car parking provision being to the standard set out in the London Plan for this level of accessibility can accommodate the car parking requirement of development, including car club vehicles.

Recommendations

Delete the first two sentences in 1. and insert “Demonstrate how the proposals will mitigate the transport impacts of the development to take account of the generally low PTAL values in the area including where necessary a Travel Plan. Any transport assessment and travel plan should be produced in accordance with TfL best practice”

Delete the second requirement.

Policy T2– Improvements to Transport Infrastructure

This is not a policy for the use and development of land, which can be used for the determination of planning applications. That should be the basic requirement of a neighbourhood plan policy. Instead this is a set of locally determined priorities for spending on schemes that will contribute to transport infrastructure. As a list of transport priorities, I consider that it is entirely appropriate for the Forum to set out its preferences in the Plan, but it should not be expressed as a development plan policy used for determining planning applications. The Planning Practice Guidance advises that such matters should be dealt with as community aspirations and not as an expression of planning policy.

Recommendation

Delete the policy and replace as a community aspiration

Policy T3– Motor Vehicles and Cycle Storage

The requirements set out in paragraph 4.5.1 reinforce my concerns regarding the imposition of extra space for car club vehicles. I am satisfied that the case has been made for higher levels of cycle storage above the Borough’s standard bearing in mind the poor accessibility of this part of Richmond. As such I consider it passes the basic conditions test, notwithstanding the opinion of the LPA, that it does not.

Policy CF1 – Impact of Development

This policy seeks to build upon the requirements set out in Policy LP 28 of the

Local Plan which covers social and community infrastructure. According to the supporting text to that policy, the description covers the health, welfare, social, education, spiritual, recreational, leisure and cultural needs of the community.

In my Initial Questions, I asked the Neighbourhood Forum specifically what facilities, services and infrastructure they thought needed to be considered by an applicant under the terms of Policy CF1. Beyond the items that are required to be assessed already under Policy LP 28 the items that were identified were road, drainage, sewerage, water supply and public transport (bus). Matters related to assessing the impact of a development on the highway network and transport infrastructure including buses, including mitigation, would already be covered by the requirements set out in this Plan's Policy T1. This leaves matters of drainage, sewerage and water supply. However, in the Local Plan, there is already Policy LP23 that covers all these infrastructure requirements which requires applicants for major schemes "to provide evidence in the form of written confirmation that capacity exists in the public sewerage and water supply network to serve the proposed development."

I therefore consider that the requirements of the policy are already covered by existing policy and Policy CF1 adds no local distinctiveness or addresses issues specific to this part of the Borough. I note that the policy was prepared as part of the public consultation, but the public may not have been aware at that stage that these matters are already adequately covered by development plan policy.

Recommendations

That the policy be deleted.

Policy CF 2 – Community Facilities

I have no comments to make this policy.

Policy R1– Enhancing Retail Uses.

My only concern with regards this policy is the requirement for "reasonable efforts" to be made to secure their continued use in providing local services. I can understand the community's aspirations to retain access to local services, but the planning system does not generally differentiate between types of users. A shop may be occupied by the local greengrocer or a specialist retailer serving a much wider catchment or market. If any businesses close down, a planning application is only required if there is a change of use proposed so the aspirations of the policy would only be achieved if a material change of use was involved. It is usual for a

period of marketing to demonstrate that another occupier of the building within the same use class cannot be found. I am conscious that the Inspector removed the requirement for a 2-year marketing from the Local Plan policy but that it is still retained in Appendix 5 relating to the marketing of retail and other commercial premises to uses not in accordance with policy. I will be proposing the inclusion of a cross reference to the need for marketing in line with the requirements of Appendix 5 of the adopted Local Plan.

Recommendations

In the second sentence of para 6.3.1, delete “for the local community”

Delete all text after “demonstrated” and replace with “that the site has been actively and properly marketed for its current use in accordance with the requirements set out in Appendix 5 of the adopted Local Plan”.

Policy R2 – Other Businesses and Local Services

I believe there is an error in the relevant Telecommunication policy referred to in the Local Plan which should be 8.6 not 8.1. I do not consider that the first sentence of the policy offers guidance as to how planning applications should be dealt with. It should be referred to in the reasoned justification. I have no comments to make in respect of the remainder of the policy.

Recommendations

Move the first sentence of para 6.8.1 to Reasoned Justification

In the second sentence, insert “other relevant” before “planning policies”

Policy G1 – Open Spaces

I have found this policy to be particularly problematic as I struggled to understand the intentions of the policy, not least because Figure 7.1 entitled Green Space separates the public from the private green spaces. The issue is further confused by the paragraph entitled Policy Application, which states the policy applies only to specific named open spaces. In answer to one of my Initial Questions, the Forum added King George V and Riverside Playing Fields to the list.

The objective of the policy seeks to protect all the open spaces in not just their own right, but also to extend its scope, to require that any development adjacent to the open space should not detrimentally impact on the value of the green space. I consider that to be a laudable and entirely appropriate neighbourhood plan policy which responds to the distinctiveness of the area. My conclusion is that the policy

should explicitly protect **all** the open spaces in the Plan area shown on Figure 7.1 which collectively contribute to the special character and quality of this part of London.

I pursued this matter further and I ascertained that the Forum's intention, in apparently differentiating the scope of the policy to only "publicly owned open space", stemmed from the desire to require the preparation of management plans for these areas, with local engagement. It is this last aspect to the policy, specifically introducing the wording "and through site specific management plans" that whilst this may be a desired aspiration, it takes the policy beyond the realm of what can be used to determine a planning application. If that element of policy is deleted and moved to become a community aspiration then the need to differentiate between the protection of the important private and public open spaces disappears. The text can advocate the need for management plans to be prepared for these specific public open spaces.

Recommendation

In para 7.3.1 after "spaces" insert "as shown on Figure 7.1"

Delete "and through site specific management plans" and move to supporting text

Policy G2 – Light Pollution

I have no comments to make this policy.

Policy G3 – Allotments Extension and Community Orchard

I have no comments regarding this policy. The Council consider it an aspirational policy but if a proposal were to come forward, it would allow the application to be approved.

Policy E1 – Sustainable Development

Policy LP22 of the Local Plan already covers development in the Neighbourhood Plan area and there is no value in duplicating existing policy requirements through a neighbourhood plan policy. I will recommend that this part of the policy be deleted.

The second element of the policy actively encourages the achievement of higher sustainability standards. If this had been a policy requirement then this policy would

not meet the basic conditions as the Secretary of State has stated that neighbourhood plans cannot impose technical standards in respect of new housing. This is set out in a Written Statement to the House of Commons dated 25th March 2015. Passivhaus is a voluntary standard as is the Home Quality Mark, and as this policy is only one of *encouragement*, it cannot be used to refuse a planning application. On that basis, it meets basic conditions.

Recommendations

Delete the first sentence of 8.3.1 and “in addition” in the second sentence.

Policy E2 – Retrofitting Existing Housing and Residential Extensions

I have no comments to make on this policy but I will make it clear that the wording of the policy should relate the policy to residential properties as indicated in the title of the policy. I make this recommendation in terms of the need to provide clarity.

Recommendation

Insert “on residential properties” after “measures” in para 8.4.1

Policy E3 – Electric Charging Points

Again, this policy merely repeats what another part of the development plan is already requiring to be provided within the Plan area. As such the policy is an unnecessary duplication of existing policy and therefore is not locally distinctive and fails the basic conditions.

Recommendation

That the policy be deleted.

Policy E4– Water Efficiency

I consider this to be a locally distinctive policy which can help reduce the impact of surface water run-off in heavy rainfall events and also a means of reducing water consumption. I consider that it meets the basic conditions.

Policy E5 – Sustainable Drainage (SUDS)

This policy imposes a higher requirement than set out by national advice. The Secretary of State’s policy is set out in his Written Statement to the House of

Commons dated 18 December 2014 which states that SUDS should only be required of developments of 10 units or more and major commercial development. However, I am also conscious that the Local Plan in Policy LP21 requires the use of SUDS in all developments. I am satisfied that the flat low lying nature of the plan area does justify departing from the Secretary of State's advice as his objective was to reduce the burden on small site developers, but they are faced with meeting that requirement through Policy LP21 in any case.

Policy E6 – Permeable Forecourts

The first sentence refers to Local Plan policy, and refers to a general presumption against front garden parking, but actually Policy LP45 is a criteria based policy that allows on-site parking in particular circumstances. I will make a recommendation that makes the Local Plan position clearer. I consider that the second element legitimately adds another criterion which is appropriate for the area by requiring the use of permeable surfaces and I consider it meets basic conditions.

Recommendations

In para 8.9.1 replace “in accordance with” by “except in the circumstances set out in”

Policy 01 - Improving Ham Parade

I am concerned that the drafting of the policy has been done in such a way that the policy would not be capable of being used to determine a planning application. I will be amending the wording of all the policies relating to the opportunity sites, so they are worded such that should a planning application be required for the works set out, then the policy offers support. That is a way a neighbourhood plan policy is capable of supporting the community's expressed priorities as set out in the plan. However, some elements do not constitute development requiring planning permission such as encouraging owners to maintain the back areas of their properties. Such elements can be included in the supporting text but cannot be a planning policy. Alternatively, they can be described as a community aspiration.

Recommendations

In para 9.3.1 Replace “These are either:” by “Any planning application proposing the alterations to the external areas to Ham Parade will be supported if the proposal involves:

Delete 4. And move to a community aspiration.

Policy 02 – Improving St Richards Square

Again, the rewording of the policy can help to achieve the policy's objectives by relating these alterations to works that require planning consent.

Recommendations

In 9.5 Replace “To improve St Richard’s Square by:” with “Any planning application proposing the alterations to the external areas to St Richard’s Square will be supported if the proposal involves:”

Delete d and ii and move to community aspiration.

Policy 03 – Central Petersham

I do not consider that any of the identified works associated with these improvements would require planning permission - changes to the carriageway and footway can be done under highway powers, as would rationalising the street signage and street furniture / clutter and new seating would be permitted development. I therefore propose to delete this as a planning policy to be used for the determination of a planning application. It can be retained as a community aspiration.

Recommendations

That the policy be deleted and moved to be a community aspiration.

Policy 04 a – Ham Close

Essentially this policy repeats other policies in the Plan but I will allow the retention of the policy. However, it is implicit that a proposal will have to have regard to other relevant development plan policies which will also include relevant Local Plan policies, which will allow me to remove the requirement set out in paragraph iii, in view of my earlier conclusion with regard to Policy CF1.

Recommendations

Delete criterion iii.

Policy 04B– Ham Street / Ashburnham Road

The drafting of the policy reads as if it is the objective of the policy. I will suggest revisions to bring it into line with being a policy that can be used to determine planning applications. The redecoration of the upper floors does not constitute development and should be included as a community aspiration or referred to in the

supporting text. It would also assist in its interpretation if there was a specific map that identified the extent of the shopping precinct.

Recommendations

Replace the existing policy with “Applications for the installation of new shopfronts and appropriate new external signage will be supported.”

Move the encouragement for the redecoration of upper storeys to be a community aspiration.

Policy O4C - Ham Village Green

Again, this policy does not refer to matters that would require the submission of a planning application. It can still be included in the Neighbourhood Plan but as a community aspiration.

Recommendations

Delete as a policy and move to a community aspiration.

Policy O4D - Ashburnham Road/Ham Street/Wiggins Lane/Woodville Road

Similarly, this policy is not a policy that can be used to determine a planning application. All the items covered by this policy fall under the jurisdiction of the Highway Authority’s management rather than the local planning authority. Again, this is a matter that can be included within the Neighbourhood Plan as a community aspiration.

Recommendations

Delete as a policy and move to a community aspiration

Policy O5 - Cassel Hospital

I understand that the future of this site is still uncertain although the building has been declared surplus to requirements. I consider that the criteria are all essentially sound although the managed public access to the grounds needs to be negotiated, but the wording merely *encourages* public access. The LPA are concerned that policy needs to justify the specific need for affordable older person housing. However, I read this not as a specific requirement, but an indication of a possible acceptable use. The policy meets basic conditions.

Policy 06 – St Michael’s Convent

I have no fundamental concerns regarding this policy as it appears that development is already underway following the granting of planning permission in April 2018. Nevertheless, I have had regard to the comments submitted on behalf of the developer, Beechcroft Developments Ltd. In terms of the in-principle objection to any new access points, I consider that the policy should not prevent a case to be made for an operational access point, so long as the acceptability of the access had regard to the impact on highway safety and also on the character of the site and the amenity of the immediate area. That is a different matter, rather than trying to use the “no access” to prevent development which is in any event protected by the Local Plan designations on the site.

The “securing” of public access cannot be a policy requirement, but could be included in the policy as a “seek to secure managed public access”, which could allow limited access for specific events, by negotiation. I have had regard to the Inspector’s alterations to the status of the site in the Local Plan which allocates the site.

Recommendations

Insert at the end of iii “unless it is demonstrated that the new access complies with highway safety standards and it is demonstrated that the works associated with it or traffic associated with any new access will not have a material detrimental effect on the character and the amenity of Martingales Close and its residents”

In iv insert “seek to” before “secure”

Policy 07 – Previously Developed Brownfield Land and Other Small Sites

The policy needs to be written as a positive indication how a planning application will be determined rather than what reads as the objective of the policy.

Recommendations

Replace the policy with “Planning applications for the residential development of previously developed land will be supported. Proposals that involve the development of open or backland spaces that contribute to the character of the locality will not normally be approved.”

The Referendum Area

If I am in a position to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Ham and Petersham Neighbourhood Plan as designated by London Borough of Richmond upon Thames on 16th January 2014 would be the appropriate area for the referendum to be held and the area does not need to be extended.

Summary

This neighbourhood plan is an example of a plan which clearly responds to the distinctiveness of its neighbourhood area and addresses matters that are of particular importance to the local community. This part of the Borough boasts significant assets in terms of its green spaces and the quality of its residential areas. It genuinely does have a “village feel” and the policies seek to reinforce this aspect, while still delivering sustainable development. It is clear that there has been a huge effort put into the preparation of the plan and it does credit to the whole team.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

I am therefore delighted to recommend to the London Borough of Richmond upon Thames that the Ham and Petersham Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

12th July 2018