

## London Borough of Richmond upon Thames, Local Plan

### Schedule of Responses to Consultation on Proposed Main Modification in respect of the Other Open Land of Townscape Importance (OOLTI) boundary at St Michael's Convent, Ham Common

#### List of all respondents to the public consultation

*Please note, the responses outlined in this document are not alphabetically ordered or in any other order of priority.*

Name/Organisation
1. Jane & Ray Morrison
2. Robert Blakebrough Fice
3. Brian Waters
4. R. L. Jenkins
5. Fabio Galvano
6. Patricia Stephens
7. Kate Massey
8. Paul Massey
9. Bilge Eregul
10. Martin Kirrage
11. Georg Hoefler
12. Peter Britton
13. Caroline Britton
14. Will Brown
15. Penelope Sapiro
16. Michael Cawley
17. Sheila Fraser
18. John & Gail Egan

19. Ham and Petersham Neighbourhood Forum (David Lamb on behalf of)
20. Charles Doe
21. The Ham and Petersham Association (Charles Doe on behalf of)
22. Martingales Close Residents' Association (Geoff Bond on behalf of)
23. Jane Bond & family
24. Geoff Bond
25. Robert & Silke Fuchs
26. Gilda Rogner
27. Dale Nolan
28. Juliet Nolan
29. Andrew & Bryony Barnard
30. Beechcroft Developments Ltd (George Burgess, Indigo on behalf of)
31. Malcolm Levi
32. Karen Skipper & Robin Burleigh
33. Kathleen D Meek
34. Rod Smith

MM Rep No.	Respondent Name	Comment
1	Jane & Ray <b>Morrison</b>	<p>We note the Court Oder that has quashed the designation of the St Michael's Convent Site (part of site allocation SA17) in the Local Plan as Other Open Land of Townscape Importance (OOLTI) in respect of the southern part of the garden (south of, and including, the footpath running approximately west to east across the said garden).</p> <p>We understand that the comments from the Inspector's Report (April 2018) referenced amendments to the boundary of the OOLTI designation on the site but inadvertently failed to reflect this as a clear recommendation in the proposed main modifications and the Court Order seeks to clarify this. We would, however, like to register our concern and object to the Proposed Main Modification.</p> <p>Whilst the Court may consider that the alteration to the boundary is <i>"not likely to result in significant environmental effects as the change relates to a small area of land"</i>, by allowing the OOLTI status to be removed from that small area of land the current owners of the site will have the option of building on that land.</p> <p>In respect of Planning Permission granted under 16/3552/FUL, the existence of OOLTI status on that small area had necessitated removal of proposed buildings from this area. What appears to be a 'small area of land' on paper does, in fact, have a fairly significant effect on the potential amenity of the immediate surrounding area. It enables an increase by over 21% of the current footprint, in respect of 3 two storey dwellings (no.s 21, 22 &amp; 23) and the option of the addition to the end of 6 terraced houses currently being built, or indeed the addition of a single unit block, previously proposed, and subsequently turned down, in that area. The OOLTI status on that 'small piece of land' had actually preserved the feeling of openness across the area, where the developer has already increased the footprint of the previous structure on the site.</p> <p>Moreover, the site owner/developer has already applied for amendments to the existing planning permission on this site (16/3552/FUL) under application number 19/0227/VRC, to increase the footprint of three of the properties onto the land that OOLTI status is being removed from. The consultation period for the amendment application ends on 19<sup>th</sup> February 2019. How can a reliable decision be made in respect of the application to amend existing planning, when the Consultation on the Proposed Main Modification in respect of Other Open</p>

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		<p>Land of Townscape Importance is still ongoing until 1<sup>st</sup> March, 2019?</p> <p>We also note that the Inspector’s report (April 2018), Section 139 makes it very clear that <i>“Based upon the criteria applied by the Council, the trees and plants in the northernmost part of the rear gardens are visible from the public domain and surrounding properties and contribute positively to the local character. The rear gardens are of a relatively and locally significant size. Their presence is notable from outside of the site, for example when perceived from Martingales Close. It is also reasonable, with regard to the available ecological evidence, to consider that the gardens do contribute to the network of green infrastructure, particularly given the presence of Ham Common to the south and the green corridor between Richmond Park and the River Thames.”</i> While in Section 140 it is stated that <i>“The former allotment areas to the north of Avenue Lodge and west of the former lawns are characterised by an absence of significant development and this would reasonably inform views into and out of the site, albeit above the boundaries, from neighbouring properties. As a consequence, the inclusion of this area as part of the wider OOLTI is justified”</i>.</p> <p>The current owner/developer of the land has, within their marketing documentation for the properties on this site, makes reference to ‘potential future development’ in the NW corner of the site. This area clearly falls within the area afforded OOLTI status by the Inspector as outlined in point 139 of his report.</p> <p>We would urge the Council to abide by the Inspector’s decision to recognise the OOLTI status on the remaining grounds. Any future challenge made by the owner to the OOLTI status, in part or in whole, on the remainder of the gardens, following the current proposed changes to the boundary, must be non-negotiable, in line with the Inspector’s report. Proposed plans to build on this area (16/3554/FUL) have previously been refused/withdrawn due to the OOLTI status, and we would expect any future application to meet with similar refusal.</p>
2	Robert <b>Blakebrough Fice</b>	<p>I feel uncomfortable this is a developer trying to get away with changing townscape for self interest. Ham Common has a long history and is enjoyed by everyone. I see no real reason to change the OOLTI boundary just to suit the developers needs. The integrity of the whole Ham Common Townscape needs to be retained and no changes should be permitted where reasonably practical.</p>

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3	Brian <b>Waters</b>	<p>I believe the designation should not be modified as proposed and that the designation will best protect the present nature of the land for the long term if the original designation including open land to the south of the line on the map is included.</p> <p>I believe this would be consistent with the new Neighbourhood Plan and so should be upheld.</p>
4	R. L. <b>Jenkins</b>	<p>I strongly object to the change in the designation of the land. It makes it more likely that the developer, Beechcroft, will try and build over the entire site and green space. They currently propose low built terrace houses with flat roofs. This is a waste of land. Beechcroft's objective is to maximize profit from the site. I would advise that instead of building over the entire plot, to scrap the plan for low built terrace houses, and instead have 3 storey Georgian style terraces with pitched roofs and attics in the roofs with mansard windows. These would be in keeping with the height of the convent itself. The former prison site on Church Road, already has traditional style houses with pitched roofs. Beechcroft could sell these houses at higher prices, whilst at the same time NOT building over any green space otherwise than has been granted planning permission already.</p> <p>There is a big negative point. Beechcroft is exploiting a loophole in the government leasehold law that exempts them from controls on increases in service charges, if the property is designated as for over 55s and a retirement abode. Indeed, whilst they are selling the houses they have planning permission for as "share of freehold", these shares of freehold come with compulsory hefty service charges, which rise dramatically. Because of the exemption from leasehold law, there is no right for prospective purchasers to self-manage the property. It is just a massive rip-off for Beechcroft.</p> <p>I strongly urge Richmond Council only to grant planning permission in future for flats which are share of freehold only, and in which must be self-managed by the residents.</p>
5	Fabio <b>Galvano</b>	<p>The loss of an OOLTI slice in the grounds of what used to be St. Michael's Convent would represent a further downgrading of what used to be a serene corner in the heart of Ham. The urban development which has been taking place has already, in my view, done sufficient damage to the neighbourhood and I have no doubt that a modification of the OOLTI boundary would allow the voracious developers of the site to further enhance their ambitious intents. And what about the environmental aspect in all of this?</p>

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		So far the Council has acted in a wise manner, limiting the damage to the Convent's area, and I really hope that in the same spirit it will avoid a further damaging impact that would also involve the adjacent streets.
6	Patricia <b>Stephens</b>	<p>I wish to register my grave concern and my strong objection to the Proposed Main Modification. This land is designated as OOLTI, and should be respected as such.</p> <p>If the developers are allowed to expand on this site, which would be more extensive than the plans indicate, there is no guarantee that they will not encroach further on to this area, thus reducing even more green space. It will also add to the harm already done to the flora and fauna.</p> <p>I would strongly request the Council to respect the Inspector's decision to recognise the OOLTI status of the area, and firmly refuse any further proposed plans by the developers to build on this land.</p>
7	Kate <b>Massey</b>	<p>You state in your summary:  ...the Inspector's report when included in the Local Plan for Ham and Petersham '<b>inadvertently failed to reflect this as a clear recommendation</b>' in the proposed main modifications'.</p> <p><u>I'm at a complete loss to understand</u> how an <u>administrative error, a technicality</u>, such as this 'inadvertent' failure to put together a correct and professional report for the Richmond Local Plan, can be accepted as a reason for reducing the OOLTI &amp; OSNI protected area of the gardens of this historic listed building, thereby allowing the increased development that will follow to further harm the special gardens of the original Convent setting?</p> <p>Relevant to this 'inadvertent failure', I note that:</p> <ul style="list-style-type: none"> <li>• In his presentation at the Council meeting, the original Inspector, Andrew Seaman, fully supported the original OOLTI designation. It now seems illogical, unfair and unprofessional that this OOLTI should be altered or removed because the writer of the final report 'inadvertently' failed to reflect this as a clear recommendation.'</li> <li>• The Convent Gardens are in the grounds of the conservation area between the Thames and</li> </ul>

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		<p>Richmond Park. Our local residents have stressed numerous times the importance of the protection of this site in our many responses to the planning applications for St. Michael's Convent. Does the council really take note?</p> <ul style="list-style-type: none"> <li>• The southern end of the site has already lost the original beauty of the gardens of the listed building.</li> <li>• Indeed the southern end of the gardens are already harmed, now being a housing estate that has transformed this very special conservation area into an urban environment. The views across the gardens that were enjoyed by the local community are now lost.</li> <li>• This OOLTI is a valuable element of protection for the wildlife, the flora and fauna of the gardens. Natural habitats are already being destroyed by this development.</li> </ul> <p>The local community of Ham and Petersham has spent a number of years evaluating and contributing to the Local Plan. Richmond Council professes in their promotional film that their priorities are 'to reflect the views of local people' and 'to protect our green spaces'. How can we rely on the Council if they do not live up to the claims they are making and are allowing the sad deterioration of our very special surroundings.</p>
8	Paul Massey	<p>I wish to make representations on the modification in respect of OOLTI at St Michaels Convent, Ham Common</p> <p>I am disappointed to learn that this change has been granted by the High Court. Beechcroft have arrived in Ham and have since bombarded the area with applications without any regard for the community</p> <p>The integrity of the inspectors report when referencing the boundary should be honoured as his intention was very clear when identifying what is best for the community. A legal technicality is not a balanced, considerate and professionally judged statement but a one way profit driven endeavour. Beechcroft have identified this area for further development at the expense of the character and harm to the street scene due to the urbanised views across the site</p>

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		<p>Furthermore, on Thursday 18 October 2018 the residents of Ham and Petersham voted overwhelmingly in favour of the Neighbourhood Plan by answering yes to the following question</p> <p><i>"Do you want London Borough of Richmond upon Thames to use the Neighbourhood Plan for Ham and Petersham to help it decide planning applications in the neighbourhood area?"</i></p> <p>As a result, the plan now forms part of Richmond's statutory development plan</p> <p>However, we find now that Beechcroft have successfully, legally and subsequently overturned a crucial statement in this plan <u>allowing the OOLTI line to be changed on a technicality</u>, thus permitting further urban development in an OOLTI protected environment</p> <p>So within weeks of a statutory plan approval which, according to the chairman who provides an update in the Ham &amp; Petersham magazine this month, "find ways to influence development so that it meets the needs of residents and others in the community", it has been compromised against the needs of the community most affected</p> <p>What was the point of 5 years of work preparing the Plan? How can we trust the future integrity of the Plan if it can be subject to subsequent objections? Therefore is the Plan now still fit for purpose?</p>
9	Bilge <b>Erengul</b>	<p>I have concerns relating to the amendments to the boundary of the OOLTI designation in Martingales Close, Ham Common carried out by Beechcroft company.</p> <ul style="list-style-type: none"> <li>• Retention of this part of the gardens is important for the character of these gardens and street scene by giving open views across the site and it is also crucial for the protection of the setting of the listed building by giving space for the gardens thus preventing it from sitting in an urban landscape</li> <li>• The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</li> <li>• Further development towards Martingales Close will lead to a sense of urbanisation, and detract from the special character of the area.</li> </ul>

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		<ul style="list-style-type: none"> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul> <p>I hope these considerations will be taken into account before the final decisions concerning the area.</p>
10	Martin Kirrage	<p>I am extremely disappointed to learn that due to an administrative error Beechcroft have challenged part of the protection of the gardens and I am taking this opportunity to most strongly object to their "Proposed Main Modification".</p> <p>I believe that allowing this "Modification" will lead to further development adjacent to the wall in the Southern Gardens which could also encourage further attempts by Beechcroft to erase the remainder of the protection afforded the gardens.</p> <p>It is important that the following is also considered:</p> <ul style="list-style-type: none"> <li>- Retention of this part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>- The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status. Further development towards Martingales Close will lead to a sense of urbanisation and destroy the special character of the area.</li> <li>- This open view allows glimpses of the very old Mulberry tree and views into the site.</li> <li>- By protecting this strip of land it gives further opportunity to protect the setting of the list building by giving space for the gardens and prevents it from sitting in an urban landscape.</li> <li>- The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> <li>- To reiterate I most strongly object to this challenge by Beechcroft which will endanger the beauty and rural feel of this beautiful environment as a whole. The gardens are environmentally very important and should be protected at all costs.</li> </ul>
11	Georg Hoefler	<p>I would like to object against this proposed 'MAIN MODIFICATION'. Please allow me to list below my main concerns:</p> <ul style="list-style-type: none"> <li>• Retention of this part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>• The OOLTI designation prevents further development towards the ecologically important</li> </ul>



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		<p>woodland currently designated with OSNI status. Further development towards Martingales Close will lead to a sense of urbanisation, and detract from the special character of the area.</p> <ul style="list-style-type: none"> <li>• This open view allows glimpses of the ancient Mulberry tree and views into the site</li> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul> <p>Please also allow me to highlight the failings of the new Neighbourhood Plan. On Thursday 18 October 2018 the residents of Ham and Petersham voted overwhelmingly in favour of the new Neighbourhood Plan. As a result, the plan now forms part of Richmond's statutory development plan.</p> <p>However, we now find that the developer has attempted to legally overturn a crucial statement in this plan allowing the OOLTI line to be changed on a technicality, thus permitting further urban development in an OOLTI protected environment.</p> <p>So within weeks of a statutory plan approval, it has been compromised contrary to the needs of the community most affected which leaves us with important questions with regards to its integrity and purpose.</p> <p>Please take our concerns mentioned above into account.</p>
12	Peter <b>Britton</b>	<p>This is an objection to the removal of OOLTI protection for part of the Convent site since this risks further development of a sensitive and valued open space in the heart of Ham and further harm to the setting of the site's listed building. The modification is being sought by the developer, Beechcroft. This can only mean that planning for new building, in excess of that for which planning permission was granted, is already underway.</p> <p>Beechcroft have already been refused planning permission for the construction of housing in the</p>

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		northwest corner of the site; this attempt to redraw the OOLTI boundary on its southern edge seems likely to be a precursor to applications to nibble away at its edges elsewhere. The neighbourhood plan overwhelmingly supported the existing OOLTI boundaries and this exercise in local democracy should continue to be supported.
13	Caroline <b>Britton</b>	<p>This is an objection to the removal of OOLTI protection for part of the Convent site since this risks further development of a sensitive and valued open space in the heart of Ham and further harm to the setting of the site's listed building. The modification is being sought by the developer, Beechcroft. This can only mean that planning for new building, in excess of that for which planning permission was granted, is already underway.</p> <p>Beechcroft have already been refused planning permission for the construction of housing in the northwest corner of the site; this attempt to redraw the OOLTI boundary on its southern edge seems likely to be a precursor to applications to nibble away at its edges elsewhere. The neighbourhood plan overwhelmingly supported the existing OOLTI boundaries and this exercise in local democracy should continue to be supported.</p>
14	Will <b>Brown</b>	<p>I am a resident of New Road Ham Common and have the following objection regards the proposed modification to the Convent garden:</p> <ul style="list-style-type: none"> <li>• This part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>• The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</li> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul>
15	Penelope <b>Sapiro</b>	<p>As a local resident I am not in favour of the proposed canes due to the following reasons.</p> <ul style="list-style-type: none"> <li>• This part of the gardens retains the important feeling of openness that characterises these</li> </ul>

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		<p>gardens and street scene by giving open views across the site.</p> <ul style="list-style-type: none"> <li>• The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</li> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul>
16	Michael <b>Cawley</b>	<p>I am a local resident of Petersham and Ham and would like to object to the proposed OOLTI boundary change for St Michael's Convent. My objections are;</p> <ul style="list-style-type: none"> <li>• This part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>• The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</li> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul>
17	Sheila <b>Fraser</b>	<p>I write to object to the proposal to make a Main Modification to the OOLTI at the former Ham Convent on Ham Common.</p> <p>My objection is based on the following:</p> <ul style="list-style-type: none"> <li>• This part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>• The OOLTI designation prevents further development towards the ecologically important</li> </ul>

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		<p>woodland currently designated with OSNI status.</p> <ul style="list-style-type: none"> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> <li>• The openness of the site has been significantly harmed already, making this last part of the open view even more precious.</li> </ul> <p>I trust you will consider my objections and that this Main Modification will not be granted.</p>
18	John & Gail Egan	<p>We write to object to the proposed change to the boundary of the Other Open Land of Townscape Importance (OOLTI) designated area in the Local Plan, as it relates to the garden of Saint Michael's Convent, Ham Common.</p> <p>We are immediate neighbours of the Convent and have serious concerns about the infill development already taking place in what was an historic garden of the Convent. The original proposed OOLTI boundary has already been an important factor in limiting the extent of the building development taking place, and indeed in anticipation of this modification being approved, the developer of the site, Beechcroft Developments Ltd, has submitted further planning approvals which would see building extensions being built, over the area of the garden that is the subject of this consultation.</p> <p>The open land to the North and West of the disputed area is already limited and benefits from the inclusion of the additional footpath and green lawns (as was, now proposed gardens and shared open space) to provide a more viable scale for future enjoyment of residents of the new development. In the marketing material being used by the developer, the use of the whole of the garden area, including the disputed area, is described together as a common amenity for the enjoyment of future residents, highlighting the value of a cohesive designation of this space with the rest of the garden.</p> <p>The maintenance of the disputed area as an open space is important for the views that neighbours and visitors have from both neighbouring properties (such as our own), and from footpaths and Avenues open to the public. Clearly that the land remains 'open' is important not only for the direct views into the area, but for the views over the area, to the trees and green spaces beyond.</p> <p>We trust these comments will be taken into consideration.</p>

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19	<b>Ham and Petersham Neighbourhood Forum</b> (David Lamb on behalf of)	<ol style="list-style-type: none"> <li>1. The Ham and Petersham Neighbourhood Plan 2018-2033 was adopted by Richmond Borough Council on 22 January 2019, formalising it as part of the borough's spatial development plan.</li> <li>2. The objective of the Green Spaces chapter of the Ham and Petersham Neighbourhood Plan is "To protect and enhance existing green spaces, sites of historical and environmental significance and the semi-rural character of the area. To ensure they remain to the benefit of the community" (7.1.1). The context is captured by "the extensive areas and variety of open space in Ham and Petersham are probably its most defining characteristic. .... Smaller but significant areas .... are recognised and protected .... as being of townscape importance, with St Michael's Convent garden added in the Richmond Local Plan" (7.2.1).</li> <li>3. Policy G1 states "The value of Ham and Petersham's green spaces as shown on Figure 7.1 will be conserved and enhanced by their protection from development and its adverse impacts". All of St Michael's Convent Garden behind the main buildings is covered in Figure 7.1. The reasoned justification for the policy is that "These open / green spaces are considered fundamental to the character and setting of Ham and Petersham" (7.3.2).</li> <li>4. "The Convent is listed Grade II and parts of the grounds are designated as Other [Open] Land of Townscape Importance and Other Site of Nature Importance. The listed buildings and grounds, including the walled garden, are considered to be very important to the character of Ham and Petersham and the Neighbourhood Plan seeks to retain and enhance them for the enjoyment of the community and for future generations" (9.17.2).</li> <li>5. Policy O6 states that "any development proposal for the St Michael's Convent site should:             <ol style="list-style-type: none"> <li>1. enhance the integrity of the listed buildings and preserve their setting, particularly in the way they relate to Ham Common;</li> <li>2. maintain the relationship between the house and the gardens which gives the site its special character;</li> <li>3. restrict new buildings and parking to the areas of the site that are already developed ....</li> <li>4. maintain and enhance the biodiversity and historic planting of the grounds and seek to secure managed public access.</li> </ol> </li> </ol>

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		<p>5. The Local Plan Inspector’s report states that “the trees and plants in the northernmost part of the rear gardens are visible from the public domain and surrounding properties and contribute positively to the local character. The rear gardens are of a relatively and locally significant size. Their presence is notable from outside of the site, for example when perceived from Martingales Close. It is also reasonable, with regard to the available ecological evidence, to consider that the gardens do contribute to the network of green infrastructure, particularly given the presence of Ham Common to the south and the green corridor between Richmond Park and the River Thames” (para 139).</p> <p>6. It continues – “However, the perceived value of the gardens outside of the private boundaries of the site diminishes as proximity to the existing main site buildings increases. Based upon the evidence provided, including my site inspection, the value of the gardens when assessed against the OOLTI criteria lie to the north of the former lawned areas and therefore should not include areas which lie open where more immediately adjacent to the buildings themselves and which are demarcated by an established footpath. The boundary should reflect this.” .... (para 140).</p> <p>7. The Neighbourhood Forum does not agree with the Inspector’s assessment and conclusion in para 140. While the OOLTI designation of the northern part of the garden is clearly justified, as set out in para 139, the Forum considers that the portion of land subject to the boundary modification satisfies the OOLTI criteria sufficiently to justify reinstatement of that designation.</p> <p>8. The relevant area was open and ‘natural’ in character, other than arguably the footpath which nevertheless provides an important pedestrian circulation function. Currently, the area, other than the mulberry tree and the path, has been incorporated into the construction site for earth storage, but should be returned to its former condition, which would meet the initial OOLTI requirement in Local Plan 5.3.4. The area contributes to the character of the northern garden to the rear by its position in providing an open green buffer, a significant role in respect of the network of green spaces and infrastructure particularly in view of the encroaching development, which is understood to be currently limited to the original designation boundary. Just as with northern part of the garden, there are views into the area from the Martingales Close properties. The area also includes the black mulberry tree that Beechcroft’s consultants acknowledge has high cultural and historic value, as well as contributing to biodiversity.</p>

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		<p>9. The Neighbourhood Plan values and protects green spaces from development and its adverse impacts, including specifically St Michael's Convent garden. Policy O6 seeks to "maintain the relationship between the house and the gardens which gives the site its special character". The Forum maintains that the land subject to the proposed modification is an integral part of that relationship between the house and gardens and is worthy of retaining its OOLTI designation. This would maintain consistency with the policies and text of the Neighbourhood Plan.</p>
20	Charles <b>Doe</b>	<p>We wish to object to the proposed changes to the OOLTI boundary. The proposed demarcation on the drawings had been agreed and demonstrated a much considered boundary in light of the proposed development. This should not be altered due to a technicality. The existing garden path should not be a limiting factor in an OOLTI designation, which should include all aspects of landscaping, including this path.</p> <p>The setting of this historical garden afforded open views across the site and is important in the wider context of the local area. This remaining section of garden becomes even more important as it was not conceded as part of the development proposal and so there is no reason why this should not be afforded OOLTI status. Without this designation, further development will be possible and lead to further loss of this open area.</p> <p>This section of garden is also important as it acts as a cushion between the proposed development and the delicate ecology of the woodland, afforded OSNI status. Retention of OOLTI status would prohibit further development towards the woodland, with its attendant noise and light pollution.</p>
21	<b>The Ham and Petersham Association</b> (Charles Doe on behalf of)	<p>On behalf of the Ham and Petersham Association, we wish to object to the proposed changes to the OOLTI boundary as set out in the Local Plan for the following reasons.</p> <p>Retention of as much of the history and character of the gardens within the setting of the Grade 2 Listed Building as possible is essential, with its sense of openness across the site, with both lawned and woodland areas. The expanse of lawned garden being considered therefore, has great significance and importance. For these reasons, the proposed OOLTI designation should override paths, fences and other landscaping features, and not be arbitrarily constrained by the demarcation of a single pathway in</p>

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		<p>this instance. The purpose of OOLTI designation should not be ignored and removed due to a technicality.</p> <p>It is important to note that the ancient Mulberry Tree lies within this section of garden which provides additional significance, and is one of the original considerations for inclusion of this section of garden under OOLTI status .</p> <p>The OOLTI designation constrains further development and prevents casual erosion of our open spaces. Much of the original gardens have already been lost to development, and it is therefore of paramount importance to afford protection to this remaining section of garden under the auspices of an OOLTI designation.</p> <p>This section of garden also provides a buffer zone to the ecologically sensitive and wildlife habitats of the woodland area, which is prescribed OSNI status. The gardens are significant in a wider context and form part of the wildlife corridor from Ham House through to Richmond Park. Development over this garden area towards the woodland area may therefore be detrimental to the delicate ecology, and should therefore be resisted through re-instatement of an OOLTI designation.</p>
22	<b>Martingales Close Residents' Association</b> (Geoff Bond on behalf of)	<p>On behalf of the Martingales Close Residents' Association</p> <p>It is a very great pity that the local residents' express wish may be lost from the local plan. The assessor made it clear in his plan that there was strong local support to properly protect the former Convent gardens including the area to the south of the footpath. The assessor's administrative error in not including these in the main modifications should not penalise the local people who wanted the gardens properly protected.</p> <p>Despite this consultation's introduction the loss of the protection for the section of land <b>IS</b> likely to result in significant environmental effect. Those who we represent who know the site recognise the importance of this section of land and why it should be included as OOLTI.</p> <p>The developer has already applied to build on previously designated land that is now part of this consultation. Another part of the land will have a planning application for building on it – there is even</p>



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		<p>the outline of a building on some plans marketed by developers. OOLTI designation would successfully protect this piece of land.</p> <p>Section 139 of the Inspector’s report stated:</p> <p>The land to the north of the existing buildings is designated within the Local Plan as OOLTI. ... Their presence is notable from outside of the site, for example when perceived from Martingales Close. It is also reasonable, with regard to the available ecological evidence, to consider that the gardens do contribute to the network of green infrastructure, particularly given the presence of Ham Common to the south and the green corridor between Richmond Park and the River Thames.</p> <p>We agree with the reasons for designation as OOLTI in the previous Local plan consultation (Local Plan Publication version for consultation 4 January - 15 February 2017) as this section of land which adjoins the land already designated and any division of it is artificial. Specifically, for the section of land we agree with the reasons given by the council below taken from the above document:</p> <p>“2.3.2</p> <p>The Council considers that the gardens of St Michael’s Convent meet the criteria as set out in policy LP 14 Other Open Land of Townscape Importance for designation as OOLTI on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Contribution to the local character and/or street scene, by virtue of its position and quality.</li> <li>2. The site is valued by local people as evidenced by its recommendation for OOLTI protection by a large number of local residents.</li> <li>3. In addition, the designation of the gardens as OOLTI will also contribute to preserving and/or enhancing the setting of the Listed Building.</li> <li>4. Value to local people for its presence and openness – The substantial local support received for the designation of this site as OOLTI demonstrates that the gardens are of value to local people for its presence and openness. It should be noted that the Council has first published its intention to designate the gardens as OOLTI in August 2014, and strong local community support has been received ever since then.</li> <li>5. Local Plan Immediate or longer views into and out of the site, including from surrounding</li> </ol>

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		<p>properties – This is particularly relevant for the residents of Martingales Close, because its houses are on one side of the road only, the other side adjoining the Convent garden.</p> <p>6. Contribution to a network of green spaces and green infrastructure as set out in policy LP 12 Green Infrastructure – The garden lies in the Great South Avenue of Ham House, at the heart of the wildlife corridor. The gardens provide an important link as part of the green corridor in Ham, which runs between Richmond Park to the River Thames via Ham Common, St Michael's Convent and Avenue Lodge gardens, Grey Court School playing fields, Ham House avenues and gardens, and the Ham Lands.“</p> <p>We believe that this part of the Convent garden is now even more important than it ever was since the building on so much of the rest of the site. It gives a buffer between the gardens and built section of the site, it gives a piece of open space to allow views into and out of the site. Should this be lost the site would be even more urbanised and the open nature of Martingales Close would be significantly diminished. In short, the enjoyment and utility enjoyed by local people on Martingales Close would, in all likelihood, be harmed by the loss of this designation.</p> <p>The importance of the site is recognised by the adopted Neighbourhood plan:</p> <p>The objective of the Green Spaces chapter of the Ham and Petersham Neighbourhood Plan is “To protect and enhance existing green spaces, sites of historical and environmental significance and the semi-rural character of the area. To ensure they remain to the benefit of the community” (7.1.1). The context is captured by “the extensive areas and variety of open space in Ham and Petersham are probably its most defining characteristic. .... Smaller but significant areas .... are recognised and protected .... as being of townscape importance, with St Michael's Convent garden added in the Richmond Local Plan” (7.2.1).</p> <p>Policy G1 states “The value of Ham and Petersham's green spaces as shown on Figure 7.1 will be conserved and enhanced by their protection from development and its adverse impacts”. All of St Michaels Convent Garden behind the main buildings is covered in Figure 7.1. The reasoned justification for the policy is that “These open / green spaces are considered fundamental to the character and setting of Ham and Petersham” (7.3.2).</p>

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		Please do not recommend this modification and protect this part of the garden as the rest have been with an OOLTI designation.
23	Jane <b>Bond</b> & family	<p>Please keep this designation. Martingales Close would not be the same if the convent gardens is built any further. It used to be so open as you walked down and looked at the Convent trees. Now almost all of this is gone. Please save this last part.</p> <p>The setting of the listed building is already harmed we need to stop this getting worse.</p> <p>I voted for the Neighbourhood plan and took part in the last local plan consultation as I agreed with the protection for the whole garden regardless of a footpath why should we lose any more of it and our opinions be ignored.</p>
24	Geoff <b>Bond</b>	<p>Please do not allow the assessor's administrative error endanger this land to development. Please do not accept this modification and keep this part of the Convent garden protected.</p> <p>The development already built along Martingales, on land not designated as OOLTI, has harmed the amenity local people enjoy from the site. The views are obstructed with large buildings hemming in the street where there used to be views in to the gardens of trees and sky. Please protect this section so we do not lose any more value we gain from the site.</p> <p>The feeling is widespread that this should be protected both from the residents' association for the street, for the local area and the Neighbourhood Forum.</p> <p>The reasons for the retained designation of the land are clear:</p> <ol style="list-style-type: none"> <li>1. Contribution to the local character due to its position.</li> <li>2. Enhancing the setting of the listed building</li> <li>3. Value to local people for its presence and openness</li> <li>4. Views into and out of the site</li> <li>5. Contribution to the green corridor from the Thames to Richmond Park</li> </ol> <p>This part of the garden is now even more important now so much has been developed. We must protect what is left. Should this be lost the site would be even more urbanised and the open nature of Martingales Close would be significantly diminished. In short, the enjoyment and utility enjoyed by local people on Martingales Close would, in all likelihood, be harmed by the loss of this designation.</p> <p>Please keep it protected for this and future generations.</p>

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25	Robert & Silke <b>Fuchs</b>	<p>We hereby object to the proposed main modification in respect of OOLTI at St. Michael's Convent, Ham Common.</p> <p>It is extremely frustrating that Beechcroft with all its development manpower and legal team strength was able to identify an administrative technical error upon which it now again seeks to reduce the area of the protected convent gardens. In our view, the retention of the gardens in its present - already reduced - form is vital to maintain the feeling of openness that characterises this part of Ham. Further development will lead to a sense of urbanisation and likely mean the end of this little ecologically important area in which we regularly observe woodpeckers, owls and even bats which are a protected species. Ham Avenue right behind the convent gardens has been identified as a bats super highway by the Thames Landscape Strategy 2012 Review - a green link between bat roosting grounds in Richmond Park with feeding areas on the Thames river . Developing on this small strip of land right next to it with further terraces of houses would endanger this vital link. The openness of the site has already been significantly harmed by the current stages of development by Beechcroft. Protecting this last bit of the historic convent gardens is essential for this part of Ham retaining its character and not becoming yet another completely interchangeable part of urbanisation.</p> <p>Lastly, we just wanted to point out that the whole lengthy drafting, consultation and voting process of the Neighbourhood Development Plan seems completely pointless if it should be possible to completely go against its spirit on a mere technicality that probably none of the voters would have been able to identify. Beechcroft is looking to exploit this loophole mere weeks after the vote. It is making us wonder if the voters can have any trust in the plan's integrity and if it is fit for purpose. We are hopeful that the Planning Inspectorate and Examiners will understand the issues at stake here, and that public trust in the fairness of planning institutions can be maintained.</p>
26	Gilda <b>Rogner</b>	<p>Herewith I would like to submit my comments with regard to:  'Proposed Main Modification in respect of OOLTI at St. Michael's Convent, Ham Common'</p> <p>My main concerns:</p> <ul style="list-style-type: none"> <li>- Retention of this part of the gardens retains the important feeling of openness that characterizes these gardens and street scene by giving open views across the site.</li> </ul>

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		<p>- Further development towards Martingales Close will lead to a sense of urbanization, and detract from the special character of the area.</p> <p>- This open views allows glimpses of the ancient Mulberry tree and by protecting this strip of land it gives further opportunity to protect the setting of the listed building.</p> <p>- Already has the openness of the site been significantly harmed which makes this last part of the open view even more precious.</p> <p>- Furthermore on Thursday 18 October 2018 the residents of Ham and Petersham voted in favour of the Neighbourhood Plan by answering yes to the following question:</p> <p>“Do you want London Borough of Richmond upon Thames to us the Neighbourhood Plan for Ham and Petersham to help it decide planning applications in the neighbourhood area?”</p> <p>As a result, the plan now forms part of Richmond’s stationary development plan.</p>
27	Dale <b>Nolan</b>	<p>I am writing to object to this challenge by the developer, Beechcroft, which I understand has come about due to an administrative error, a technicality, relating to the Local Plan for Ham &amp; Petersham.</p> <p>I feel very strongly that:</p> <ul style="list-style-type: none"> <li>• Retention of this part of the gardens retains the important feeling of openness that characterises these gardens and street scene by giving open views across the site.</li> <li>• The OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</li> <li>• Further development will lead to a sense of urbanisation, and detract from the special character of the area.</li> <li>• This open view allows glimpses of the ancient Mulberry tree and views into the site</li> <li>• By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape</li> </ul>

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		<ul style="list-style-type: none"> <li>The openness of the site that has been significantly harmed already, making this last part of the open view even more precious.</li> </ul> <p>I hope that you will guard the beauty of this area of Ham, and in particular stay true to the spirit of the Local Plan which has been so widely supported.</p>
28	Juliet <b>Nolan</b>	<p>I am writing to express my deep concern and objection to the proposal by Beechcroft, the developer of Orford Place, to further build on the convent gardens. I understand that they are taking advantage of an administrative error in the way in which the designation of the gardens as OOLTI in the Local Plan. I feel very strongly that any further development of this important open space would be highly detrimental to our local area.</p> <ul style="list-style-type: none"> <li>- keeping this part of the garden open and not built upon retains the important feeling of openness and open views across the site that characterises this garden and our street scene;</li> <li>- The OOLTI designation was to prevent further development of the land towards the ecologically important woodland that has OSNI status currently.</li> <li>- further development will block views into the gardened site and the view of the ancient Mulberry tree</li> <li>- protecting this strip of land will allow us to protect the setting of the listed building, an open setting that has already been significantly harmed. This last part of the open view is very precious to residents of Martingales Close.</li> </ul> <p>I trust that you will do all possible to protect the spirit of the Local Plan as it was intended, and not allow this further development.</p>
29	Andrew & Bryony <b>Barnard</b>	<p>We're writing to strongly object to the proposal that the status of an area of land designated OOLTI in the Local Plan should be changed, and the plan updated, following a high court ruling late last year.</p> <p>Beechcroft, the site owner and developer has only sought this change to facilitate an increase of the number of units on the site. We know from their original planning submissions that they wish to build on</p>

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		<p>this area, pushing the development further to the north facing Martingales Close well beyond the footprint of the original convent buildings. Their challenge to the OOLTI is simply a means to an end, and there's every indication that Beechcroft intend to push development further into protected areas of the site. This would result in an unsympathetic, crowded development quite at odds with the local area. 'Urbanisation' of the site is not appropriate, particularly so in the proximity of a listed building.</p> <p>The Local Plan and the Neighbourhood Plan both reflect the strongly-held wishes of local residents, and the policies of the Council, to protect the unique characteristics of the Ham and Petersham area. Both plans have received significant support in this respect. The OOLTI criteria are amply met when considering the Convent gardens (contribution to local character, value to local people, views into and out of the site <i>including surrounding properties</i>, contribution to green infrastructure, value for biodiversity).</p> <p>While the contested area of land is relatively small, it does provide a significant boundary / buffer between the new developments and the important woodland area to the north which benefits from OSNI status. It provides a 'window' into the garden landscape, including the ancient Mulberry tree. We note that the Local Plan actively encourages the protection and opening up of views into and out of designated OOLTI.</p> <p>We trust that the overwhelming response to the consultation will be to demonstrate to the independent examiner that a change to the OOLTI is not supported by the community at large and is not appropriate.</p>
30	<p><b>Beechcroft Developments Ltd</b> (George Burgess, Indigo on behalf of)</p>	<p>We submit these representations to the above consultation on behalf of Beechcroft Developments Ltd, the owner of St Michael's Convent, Ham Common.</p> <p>In summary, we support the proposed Main Modification (MM) regarding the Other Open Land of Townscape Importance (OOLTI) boundary at St Michael's Convent (site allocation SA 17), which is required to make the Local Plan sound.</p> <p><b>Background</b></p> <p>Beechcroft Developments Ltd has objected to the OOLTI and Other Site of Nature Importance (OSNI)</p>

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		<p>designation at St Michael's Convent at all stages of the preparation of the new Local Plan, submitting representations to the pre-publication, publication and main modification consultations. Beechcroft Developments Ltd also participated in the Local Plan Examination hearing sessions held by the Inspector.</p> <p><b>Local Plan Examination</b></p> <p>The Inspector's Report on the Local Plan examination of the Local Plan published in May 2018 deals with the draft OOLTI designation at St Michael's Convent in paragraphs 139 and 140. The Inspector states in paragraph 140 the area which he considers the OOLTI designation should apply to. Specifically he states</p> <p style="padding-left: 40px;"><b>Based upon the evidence provided, including my site inspection, the value of the gardens when assessed against the OOLTI criteria lie to the north of the former lawned areas and therefore <u>should not include</u> areas which lie open where more immediately adjacent to the buildings themselves and which are <u>demarcated by an established footpath</u>. The boundary <u>should</u> reflect this</b> (our emphasis).</p> <p>As noted in the Inspector's report, the OOLTI boundary should only include the land north of the established footpath. However, the Inspector, in an oversight, had not included this change (to reduce the extent of the OOLTI designation affecting allocation SA 17) in the earlier publication of Main Modifications published in Dec 2017.</p> <p>The Inspector clearly considered that a MM was necessary for the OSNI designation of St Michael's Convent. That was clearly on the basis that he considered it necessary to make the plan sound in accordance with paragraph 182 of the 2012 version of the NPPF.</p> <p>Given the conclusions in the Inspector's Report when dealing with the OOLTI and OSNI designations (i.e. the scrutiny of evidence including an assessment of the council's criteria for each policy) and the conclusion that both policy boundaries should be amended, an amendment to the OOLTI boundary should also have been included, as demarcated by the established footpath, to reflect the Inspector's conclusion at paragraph 140.</p>



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		<p>The failure to recommend the Main Modification for the OOLTI boundary was successfully challenged by Beechcroft at the High Court, The resulting Consent Order concluded:</p> <p>“7. However, the Inspector inadvertently failed to reflect this as a clear recommendation in his proposed main modifications. Accordingly, the adopted version of the Local Plan does not reflect the recommended modification to the <i>OOLTI boundary on the Site</i>”</p> <p>“8. <i>The parties</i> [Secretary of State, the council and Beechcroft] agree that this mistake amounts to a material error of law, including a failure to recommend all the main modifications needed to ensure the plan is sound, as is required by section 20(5)(b) and &amp;c(b) of the PCPA 2004.”</p> <p>Given the proceedings and paragraph 8 of the consent order, it is evident the Council agrees that the OOLTI boundary should have been a main modification amended to only include land north of the footpath, and that these changes should now be adopted as part of the Local Plan.</p> <p><b>Summary</b></p> <p>For the reasons outlined above, the council should amend the OOLTI boundary to only include land north of the footpath and for this to be adopted as part of the Local Plan.</p>
31	Malcolm Levi	<p>I write to express concern about the latest intervention by the developer. Put simply, he is driving a coach and horses through the local plan, which has been approved by local residents <i>and</i> by the Council. The developer’s proposals should be firmly rejected and the agreement as to where they develop should be honoured. Others will set out the damage to the area of further development; I wish to emphasise that the developer should keep to the local and Council plan and not continually try to erode what he had previously accepted</p>
32	Karen Skipper & Robin Burleigh	<p>We are writing to strongly object to the proposed main modification in respect of OOLTI at St Michael's Convent, Ham which we are alarmed to hear seeks to exploit a technicality in relation to unclear definition in the local plan. We wish to ensure that the integrity of the original Local Plan is retained and upheld, including the originally agreed OOLTI protection for the Convent gardens.</p>

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		<p>Retention of this part of the gardens ensures that the openness that characterises these gardens is maintained, giving open views across the site. Further development would lead to a sense of urbanisation, and detract from the special character of the area. This open view allows glimpses of the ancient Mulberry tree and views into the site. By protecting this strip of land it gives further opportunity to protect the setting of the listed building by giving space for the gardens and prevents it from sitting in an urban landscape.</p> <p>Additionally, the OOLTI designation prevents further development towards the ecologically important woodland currently designated with OSNI status.</p> <p>Those of us who chose to live in Ham did so for precisely the reasons that it was not an urban environment but respected open and green space, protecting this space. Over 30 years of living in the borough evidences already severe erosion of this, from which there is no way back.</p> <p>We very much hope the Local Plan and the will of local people will prevail.</p>
33	Kathleen D <b>Meek</b>	<p>I wish to protest about the proposed alteration to the OOLTI designation of the above site.</p> <p>This designation was confirmed by the Local Plan last Autumn; as a consequence, the new Beechcroft development is restricted to the original footprint of the convent and associated buildings. I now understand that the developer is challenging the OOLTI designation.</p> <p>If this designation is overturned, there are a number of implications:</p> <ul style="list-style-type: none"> <li>- It would allow much more intensive development than has already been agreed and a reduction in the open space on the site with loss of public amenity, damaging impact on wild life and a substantial increase in vehicular traffic.</li> <li>- It calls into question the validity of the Local Plan – is the Plan simply an exercise which has no real meaning? Are there other aspects which might be challenged?</li> </ul>

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34	Rod <b>Smith</b>	<p>I wish to oppose the proposal to destroy the protected gardens as part of the proposed main modification.</p> <p>My main concerns are:</p> <p>If the OOLTI boundary is reduced and subsequent gardens destroyed then we lose the precious open space that makes this location so special, it is surely important to respect the ecological importance and save the wildlife which inhabit the area.</p> <p>Beechcroft are proposing to destroy a small area of outstanding beauty and all its wildlife for the purpose of extending there development, it feels a massive sacrifice for a small gain for the developer.</p> <p>This will no doubt impact on the traffic to Martingales Close. The cul de sac is a safe place for young children to play which is extremely rare in this day, to be able to encourage children to play outside with neighbours rather than sit of devices, playstations etc can only enhance a young persons life skills and be a benefit to their up bringing.</p> <p>Why then would you want to sacrifice wildlife, outstanding habitat, green spaces, safe playing areas, rare quiet streets for the gain of a couple of houses. It doesn't make sense??</p> <p>I would understand if there was no options for development in the area and the over 50s demographic desperately needed housing but surely this is not the case in this area and if there is an argument at all it does not out way the many sacrifices outlined above.</p> <p>I hope this does strike a chord with common sense.</p>