



GL Hearn

Part of Capita Real Estate

LBRuT Local Plan Examination

**Representations on behalf of
Evergreen Retail Investment Company**

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DATE
8th September 2017

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1 INTRODUCTION

- 1.1 This statement has been prepared by GL Hearn on behalf of Evergreen Retail Investment Company (hereinafter 'ERIC') in response to the Inspector's questions pursuant to the emerging London Borough of Richmond upon Thames Local Plan (hereinafter 'the Local Plan').
- 1.2 The statement relates to Matter 3 – Housing, which is to be discussed at the third Hearing session on 27th September 2017.
- 1.3 This statement is in addition to the original representations submitted by GL Hearn, on behalf of ERIC, to the Council's consultation on the Richmond upon Thames Local Plan (Publication Version) dated February 2017.

2 MATTER 3 – HOUSING

Is the Local Plan's approach to housing provision sufficiently justified and consistent with national planning policy and in general conformity with the London Plan? With particular regard to deliverability, has the Plan been positively prepared and will it be effective in meeting the varied housing needs applicable to the Borough over the plan period?

Policy LP34 – New Housing

Is Policy LP34 justified, consistent with the National Planning Policy Framework and aligned adequately with the London Plan?

- 2.1 Policy LP34 of the Local Plan establishes the borough housing target over the plan period, as well as indicative levels of new housing to be delivered within broad areas of the borough up to 2025. In doing so Policy LP34 of the Local Plan indicates the level of new housing that should be delivered over the plan period as well as the spatial distribution of this new housing.
- 2.2 Under the provisions of Policy LP34 of the Local Plan, the borough housing target is just 3,150 homes between 2015 and 2025. This housing target is derived from Table 3.1 of the Further Alterations of the London Plan (2016) (hereinafter 'London Plan') which identifies the '*minimum ten year target*' as 3,150 dwelling, at 315 per annum.
- 2.3 Table 3.1 of the London Plan represents a capacity based housing target rather than the objectively assessed housing need within the borough. The use of this capacity based housing target within Policy LP34 is therefore contrary to the provisions of paragraph 47 of the NPPF which states that local planning authorities should ensure that Local Plans meet the '*full, **objectively assessed needs** for market and affordable housing in the housing market area*'.
- 2.4 Unlike Table 3.1 of the London Plan, the Council's Strategic Housing Market Assessment (hereinafter 'SHMA') identifies the objectively assessed housing need in the borough over the plan period (up to 2033). In this regard the Council's SHMA identifies an objectively assessed housing need in the borough of at least 1,047 dwellings per annum between 2014 and 2033 (20,940 dwellings over the plan period).
- 2.5 Therefore, on the basis of the Council's own evidence base, Policy LP34 of the Local Plan should set a minimum requirement of 20,940 dwellings up to 2033.
- 2.6 On this basis, on behalf of ERIC, it is strongly contended that Policy LP34 of the Local Plan is not 'positively prepared' and consequently must be found not to be 'sound' under the provisions of paragraph 182 of the NPPF.

How does the Council anticipate that the housing needs identified in the SHMA will be met?

- 2.7 Policy LP34 of the Local Plan does not meet the objectively assessed housing needs identified through the Council's SHMA. Instead, the housing target identified within Policy LP34, reflects Table 3.1 of the London Plan. As a capacity based housing target, this is significantly less than the objectively assessed housing need.
- 2.8 Under the provisions of paragraph 182 of the National Planning Policy Framework, for a plan to be **'positively prepared** – *the plan should be prepared based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development*'.
- 2.9 GL Hearn, on behalf of ERIC, therefore continue to contend that Policy LP34 of the Local Plan does not meet the housing needs identified within the Council's SHMA, and is therefore not 'positively prepared'. Consequently, in its current form, Policy LP34 of the Local Plan must be found not to be 'sound' under the provisions of paragraph 182 of the NPPF.

How will the Council address future changes to the London Plan?

- 2.10 The housing target identified within Policy LP34 of the Local Plan reflects the 'minimum ten year target' capacity based target of the current London Plan. Reflecting the plan period of the existing London Plan, the 'minimum ten year target' extends only between 2015 and 2025, and therefore does not establish a housing target for the whole plan period of the Local Plan (up to 2033).
- 2.11 Reflecting the discrepancies between the plan periods of the current London Plan (2015-2025) and the Local Plan (up to 2033), part 'A' of Policy LP34 states that the housing target *'will be rolled forward until it is replaced by a revised London Plan target*'.
- 2.12 Despite acknowledging that the London Plan housing target will be subject to revision, neither Policy LP34 nor the supporting text, offers any explanation of how the future changes to the London Plan – and resulting changes to the housing target will be incorporated within the Local Plan. Indeed, it is anticipated that a new London Plan will be adopted by 2019/20 with initial consultation of the London Plan review expected imminently. It is therefore recommended that Policy LP34 of the Local Plan be amended to ensure that the housing target is able to reflect the latest evidence base (i.e. new London Plan).
- 2.13 However, on the basis that the current housing target, and broad distribution of housing, are based upon the 'minimum ten year target' up to 2025, policy is not deliverable over the whole plan period (up to 2033).

- 2.14 GL Hearn, on behalf of ERIC, therefore contend that Policy LP34 of the Local Plan is not 'effective' and consequently must be found not to be 'sound' under the provisions of paragraph 182 of the NPPF.

Should housing targets be referenced clearly as minimums? Are the ranges shown in LP34 B minimums?

- 2.15 The SHMA identifies the objectively assessed housing need in the borough to be ***at least*** 1,047 dwellings per annum between 2014 and 2033. It is therefore contended that the housing target in Policy LP34 should clearly be referred to as a minimum requirement if the objectively assessed housing need is to be met in full.
- 2.16 Furthermore, the 'indicative ranges' set out within part 'B' of Policy LP34 provide an approximate number of units that should be delivered in the broad areas of the borough. On the basis of these 'indicative ranges' Policy LP34 would deliver between 3,150 and 3,400 dwellings between 2015 and 2025.
- 2.17 Given that the 'indicative ranges' present 'approximate' targets for the delivery of new homes in 'broad areas', it is argued that part 'B' does not represent a 'plan-led' or proactive approach towards meeting the objectively assessed development needs of the borough.
- 2.18 GL Hearn, on behalf of ERIC, therefore continue to suggest that Policy LP34 of the Local Plan be amended as follows:

Policy LP 34		
New Housing		
<p>A. The Borough's target is 3,150 homes for the period 2015-2025. This target will be rolled forward until it is replaced by a revised London Plan target. The Council will exceed the minimum strategic dwelling requirement, where this can be achieved in accordance with other Local Plan policies. The Richmond Local Plan will provide for 20,940 new dwellings between 2013 and 2033, in accordance with the Strategic Housing Market Assessment.</p>		
<p>B. The following amounts of housing are indicative ranges in these broad areas of the borough to 2025. New residential development is to be focused towards the following existing centres in accordance with the 'Strategic Vision'.</p>		
Area	Wards	Approx. No of units
Richmond	Ham, Petersham and Richmond Riverside; South Richmond; North Richmond; Kew	1000-1050
Twickenham	Twickenham Riverside; St Margrets and North Twickenham; South Twickenham; West Twickenham	1000-1050
Teddington and the Hamptons	Hampton North; Hampton; Fulwell and Hampton Hill; Teddington; Hampton Wick	650-700
East Sheen	East Sheen; Mortlake and Barnes Common; Barnes	400-500
Whitton	Whitton; Heathfield	100

Policy LP35 – Housing Mix and Standards

Is the requirement to comply with the Council's external space standards justified, flexible and capable of effective delivery?

- 2.19 Policy LP35 states that the Council's amenity space standards will apply for all new dwellings, including conversions. GL Hearn, on behalf of ERIC, continue to strongly contend that the rigid application of part 'C' of Policy LP35 will constrain the delivery of new housing, and therefore the ability of the Council to meet the objectively assessed development needs.
- 2.20 In particular it is contended that the requirement for all new residential properties, including those created by way of the conversion of existing buildings, to comply with the Council's external amenity standards is not appropriate in all instances. Indeed, it is contended that in some instances buildings suitable for residential conversion cannot accommodate external balconies (i.e. conversion of Listed Buildings etc.).
- 2.21 Furthermore, it is suggested that Policy LP35 fails to allow for sufficient flexibility, or acknowledge the role that high quality alternatives to private amenity space can perform in meeting the needs of residential. For example, Policy LP35 does not acknowledge that high quality communal amenity space can adequately meet the needs of residents.
- 2.22 Overall it is contended that in rigidly applying the Council's external amenity space standards for all new dwellings, including conversions, Policy LP35 of the Local Plan will restrict the delivery of new residential properties through otherwise appropriate new build schemes and/or the conversion of existing buildings for residential use. On this basis it is contended that Policy LP35 is not consistent with the overarching objectives of the NPPF which promote the effective and efficient use of previously developed land and existing buildings to meet objectively assessed housing need.

Policy LP36 – Affordable Housing

Is the Policy consistent with the Mayor's emerging SPG?

- 2.23 The Mayor of London's Affordable Housing and Viability SPG was adopted in August 2017, and sets out the Mayor's guidance to accelerate the delivery of affordable housing within the London. It is understood that the guidance set out within the SPG will be reflected in the new London Plan when adopted.
- 2.24 As with the Draft Affordable Housing and Viability SPG the adopted SPG promotes the adoption of an initial Affordable Housing threshold of 35% of habitable rooms. However, Policy LP36 of the Local Plan continues to include a 50% Affordable Housing requirement.

- 2.25 Whilst the Mayor's SPG acknowledges that the 35% Affordable Housing threshold is not a fixed threshold, and that where appropriate Council's should seek a higher Affordable Housing threshold, paragraph 15 of the SPG states that local planning authorities should only continue with a higher threshold where it '*will deliver a higher average percentage of affordable housing (without public subsidy)*'. The SPG therefore promotes an evidence based approach in setting the Affordable Housing threshold, based on the success of achieving higher levels of affordable housing without reliance on public subsidy.
- 2.26 In this regard the Council has not provided any evidence in support of the 50% Affordable Housing requirement that is at the heart of Policy LP36. Indeed the Council is unable to demonstrate that it has consistently delivered more than 35% of residential completions as Affordable Housing.
- 2.27 Based upon the latest complete monitoring year (2014/15) 304 dwellings were completed within the borough with only 6 of these units (2%) representing Affordable Housing units. Even when those Affordable Housing units created outside of the planning completions (i.e. sites purchased by RSLs etc.) are counted, only 57 Affordable Housing units were delivered in 2014/15, representing just 18.75% of total units completed within the borough in 2014/15.
- 2.28 Therefore despite the Council's existing policy requirement for 50% Affordable Housing, the latest evidence suggests that Policy LP36 will not achieve higher levels of affordable housing than the 35% Affordable Housing thresholds promoted through the Mayor's SPG. GL Hearn, on behalf of ERIC, therefore we continue to contend that Policy LP36 of the Local Plan is not consistent with the Mayor of London's Affordable Housing and Viability SPG.

Does LP36 contain adequate flexibility to be effective in delivery?

- 2.29 Policy LP36 of the Local Plan requires the on-site provision of affordable housing on all sites capable of ten or more units (gross), whereas a financial contribution for off-site provision is sought on those sites capable of delivering less than 10 units (gross).
- 2.30 The rigid application of this approach does not acknowledge those special circumstances, such as design challenges, that do not allow for the on-site provision of affordable housing on sites capable of providing 10 or more units (gross). Indeed, GL Hearn, on behalf of ERIC, strongly contend that Policy LP36 of the Local Plan should be amended to provide sufficient flexibility to allow for financial contributions for the off-site provision of affordable housing on sites capable of providing 10 or more units (gross), where special circumstances exist. This approach will allow for an appropriate level of affordable housing contribution (either on-site or off-site) to be secured from all residential developments within the borough (subject to viability).

- 2.31 Indeed, it is anticipated that the rigid application of Policy LP36 as currently worded could jeopardise the delivery of residential developments of 10 or more units where the on-site delivery of affordable housing may not be appropriate (i.e. design challenges associated with mixed tenures).

Policy LP39 – Infill, Backland and Backgarden Development

Should LP39 be more permissive?

- 2.32 Given the significant objectively assessed housing need within the borough, coupled with the absence of significant areas of cleared brownfield or greenfield land within the borough, the effective and efficient use of infill and backland sites will perform an important role in meeting development needs. Indeed it is strongly contended that the Local Plan should actively encourage the effective and efficient use of previously developed sites to meet need.
- 2.33 Therefore it is contended that those policies of the Local Plan, including Policy LP39, should not hinder opportunities for appropriate development on infill and backland sites throughout the borough. It is therefore suggested that Policy LP39 of the Local Plan be amended to provide greater flexibility in the consideration of applications for infill and backland development.
- 2.34 In particular it is suggested that applications should not be required to comply fully with all 10 factors identified within Policy LP39, and that instead these factors should be considered 'principles' which developments should reflect.