

Actions Arising from Hearings – Week 2 (update provided to Inspector on 19.10.2017)

Please find detailed below the Council’s record of actions/proposed changes arising from discussions during hearing sessions in week 2. Where proposed changes are set out below the Council will update and publish the Schedule of Proposed Minor Changes, continuing with a prefix EH to identify they have arisen from discussions during hearing sessions, and update the track changes version of the Plan to incorporate these in due course.

Hearing 5. Character and Design. Green Infrastructure. Climate Change.

The Council has been in touch with FORCE following the hearing session in order to advise FORCE on the proposed change to LP 18. In addition, relevant extracts of the track changes Plan and the proposed amendments, including in relation to SA 12, have been sent to FORCE.

The Council is considering potential changes to clarify the spatial representation of Arlington Works (and other sites) for the Policies Map and an update will be provided to the Inspector in due course.

The Council has further liaised with consultants Adams Integra regarding the Whole Plan Viability assessment and updated notes referring to the sections in the draft report are provided at Appendix 1.

The Council is considering potential changes, and in correspondence with Historic England, on changes discussed in relation to Policies LP 3, LP 4 and LP 5, and an update will be provided to the Inspector in due course.

The Council is preparing the “wish list” of forthcoming and intended SPDs and this will be provided to the Inspector in due course.

The following changes are proposed by the Council:

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
Green Infrastructure				
TBC	Green Infrastructure	LP 12 Paragraph 5.1.2 Glossary	Minor amendments for clarification: LP 12, 1 st sentence: “Green infrastructure is a network of multi-functional green spaces and natural green features elements , which provides multiple benefits for people, nature and the economy.	Further to discussions in Hearing Session 5, to clarify Green Infrastructure terminology for consistency.

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			<p>LP 12, Part A, criterion a: “the need to protect the integrity of the green spaces and features assets that are part of the wider green infrastructure network...”</p> <p>LP12, Part A, criterion c: “incorporating green infrastructure features assets, which make a”</p> <p>Para 5.1.2 of LP 12: The assets green spaces and green features that contribute to and make up the overall green infrastructure network range from borough-wide and strategic features such as parks, watercourses, woodlands to local features such as playgrounds, sports pitches, allotments, public open spaces, trees, woodlands, private gardens and other green spaces used for recreational purposes. There are also other features assets such as highway verges, railway embankments as well as site-specific elements such as green roofs and green walls that are considered to be part of the wider green infrastructure network.</p> <p>Amend existing definition in Glossary as follows to clarify what constitutes Green Infrastructure: “Green Infrastructure The multi-functional, interdependent network of open and green spaces – and green features such as street trees and green roofs – including the Blue Ribbon Network, which is capable of delivering a wide range of environmental and quality of life benefits for local communities (people and wildlife), including flood management; urban cooling; improving physical and mental health; green transport links (walking and cycling routes); ecological connectivity; and food growing. Green and open spaces of all sizes can be part of green infrastructure provided they contribute to the functioning of the network as a whole.”</p>	
TBC	SA 12 Mereway		Add new penultimate bullet point: “Any development proposal is	Further to discussions in

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
	Day Centre		<u>required to protect and, where possible, enhance, the River Crane corridor.</u>	Hearing Session 5, to reflect approach as in other Site Allocations adjacent to the River Crane corridor.
TBC	Glossary		<p>Amend the existing OOLTI definition in the glossary as follows: <u>“Other Open Land of Townscape Importance (OOLTI)</u> Open areas, which are not extensive enough to be defined as Metropolitan Open Land, but act as pockets of greenery of local significance, contribute to the local character, and are valued by residents as open spaces in the built up area. These areas can include public and private sports grounds, some school playing fields, cemeteries, allotments, private gardens, areas of vegetation such as street verges and mature trees. <u>OOLTI is a local policy and new designations are made by the Council as part of the plan-making process. This is different to ‘Local Green Space’ (see definition above), which national policy makes provision for.</u>”</p> <p>Add new definition to glossary for ‘Local Green Space’ as follows: <u>“Local Green Space (LGS)</u> <u>Local communities can identify green or open space which is of special quality and holds particular significance and value to the local community which it serves, in line with paragraphs 76 to 78 of the National Planning Framework (NPPF). Local Green Spaces can only be designated when a local plan or neighbourhood plan is prepared or reviewed. National policy on Green Belt applies to any designated Local Green Space.</u>”</p>	Further to discussions in Hearing Session 5, to clarify the distinction between OOLTI and LGS.
TBC	Other Open Land of Townscape Importance	Paragraph 5.3.1	<p>Amend paragraph 5.3.1 as follows: “The purpose of this policy is to safeguard open land of local importance and ensure that it is not lost to other uses without good cause. Areas designated as Other Open Land of Townscape Importance (OOLTI) form an important part of the multi-functional network of Green</p>	Further to discussions in Hearing Session 5, to confirm the process for new OOLTI designations is through the Local Plan process.

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			Infrastructure and they can include public and private sports grounds, school playing fields, cemeteries, allotments, private gardens, areas of vegetation such as street verges and mature trees. <u>New areas for OOLTI designation can only be identified when a plan is being prepared or reviewed.</u> The <u>existing</u> designated areas are shown on the <u>Proposals Policies</u> Map.”	
TBC	Other Open Land of Townscape Importance	Paragraphs 5.3.3 and 5.3.5	Delete paragraphs 5.3.3 and 5.3.5 of the supporting text of the OOLTI policy as follows: 5.3.3 This policy can also apply to other open or natural areas that are not designated, but which are considered to be of local value, and therefore merit protection. 5.3.5 This policy can also apply to other open or natural areas that are not designated, but which are considered to be of local value, and therefore merit protection.	Further to discussions in Hearing Session 5, to confirm the process for new OOLTI designations is through the Local Plan process.
TBC	Other Open Land of Townscape Importance	Paragraph 5.3.4	Add to the last bullet point the following: <ul style="list-style-type: none"> Value for biodiversity and nature conservation <u>and meets one of the above criteria.</u> 	Further to discussions in Hearing Session 5, to clarify the criteria in relation to biodiversity and nature conservation is not a sole criterion in defining OOLTI.
Climate Change				
TBC	Climate Change Adaptation	Paragraph 6.1.3	Add to paragraph 6.1.3 the following: “In this policy, 'new development' applies to new build development of 1 dwelling unit or more as well as to new build (including extensions) of 100sqm or more of non-residential floor space. <u>Further guidance and advice is set out in the Sustainable Construction Checklist SPD, which has to be submitted as part of the planning application.</u> ”	Further to discussions in Hearing Session 5, to clarify the relationship with the SPD.
TBC	Flood Risk and Sustainable Drainage	LP 21	Amend second paragraph of LP 21 as follows: In areas at risk of flooding <u>“In Flood Zones 2 and 3,</u> all proposals on sites of 10 dwellings or more or 1000sqm of	Further to discussions in Hearing Session 5, to clarify that this requirement applies in Flood Zones 2 and 3.

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			non-residential development or more, or on any other proposal where safe access/egress cannot be achieved, a Flood Emergency Plan must be submitted.”	
TBC	Flood Risk and Sustainable Drainage	Paragraph 6.2.4	Amend paragraph 6.2.4 of LP 21 as follows: “The Council's unique bespoke approach to the Sequential Test recognises that...”	Further to discussions in Hearing Session 5, to clarify that this is a Richmond-specific and bespoke approach.
Character and Design				
TBC	Local Character and Design Quality	LP 1 Paragraph 4.1.2	Change last sentence of LP 1 Part B as follows: “In sensitive areas, <u>such as Conversation Areas and relevant Character Areas as identified in the Village Planning Guidance SPDs,</u> rigid and gloss finish blinds will generally be unacceptable.” Amend para 4.1.2 as follows: 4.1.2 Village Planning Guidance SPDs have been or are being developed for the village areas (with the exception of Ham and Petersham, where the designated Neighbourhood Forum is developing its own Neighbourhood Plan for the area). The SPDs identify the key features and characteristics of the village areas that are valued by local communities. <u>Each village area has been subdivided into Conversation Areas and Character Areas, and for each area the context, character and local features have been analysed and assessed.</u> The Village Planning Guidance SPDs are the main starting point for design guidance to those seeking to make changes to their properties or to develop new properties in the area. The Council has also developed a range of other SPDs, including on Design Quality, House Extensions and External Alterations, Small and Medium Housing Sites, Front Gardens and Shopfronts. These focus on protecting and improving the quality of the local built environment and provide the necessary detail to assess context, local character and design quality.	Further to discussions in Hearing Session 5, to clarify reference to sensitive areas.
TBC	Building	LP 2	Amend criterion 1 as follows:	Further to discussions in

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	Heights		<p>1. require buildings to make a positive contribution towards the local character, townscape and skyline, generally reflecting the prevailing building heights within the vicinity; <u>proposals that are taller than the surrounding townscape have to be of high architectural design quality and standards, deliver public realm benefits and have a wholly positive impact on the character and quality of the area;</u></p> <p>Delete criterion 6: 6. resist buildings that are taller than the surrounding townscape other than in exceptional circumstances, such as where the development is of high architectural design quality and standards, delivers public realm benefits and has a wholly positive impact on the character and quality of the area; and</p>	Hearing Session 5, to clarify relationship between criteria 1 and 6.
TBC	Designated Heritage Assets	Paragraph 4.3.2	Amend paragraph 4.3.2, 3 rd sentence as follows: “As at 2017 2016 , the borough has 75 72 designated Conservation Areas.	Factual updates
TBC	Local Environmental Impacts, Pollution and Land Contamination – Air Quality	LP 10	Delete ‘where practicable’ from LP 10, Part B, and insert ‘at least’: “Developers should commit to <u>at least</u> ‘Emissions Neutral’ development where practicable. ”	Further to discussions in Hearing Session 5, to bring the policy requirement in line with Policy 7.14 of the London Plan, which states that development proposals should “be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality...”.
TBC	Local Environmental Impacts, Pollution and Land Contamination	Paragraph 4.10.3	Amend paragraph 4.10.3 as follows: The Council will be preparing SPDs <u>and/or Advice Notes to provide additional guidance</u> on local environmental impacts, pollution, <u>air quality</u> , and noise <u>and construction management</u> , which will contain further guidance and clear requirements, including methodologies, for the various assessments that may need to be submitted as part of certain types of planning applications.	Further to discussions in Hearing Session 5, to provide clarification in relation to emerging and forthcoming SPDs and guidance.

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TBC	Local Environmental Impacts, Pollution and Land Contamination – Air Quality	Paragraph 4.10.5	Insert within paragraph 4.10.5 the following: “The whole of the borough has been declared as an Air Quality Management Area (AQMA) and as such any new development and its impact upon air quality must be considered very carefully. <u>Strict mitigation will be required for any developments proposed within or adjacent to ‘Air Quality Focus Areas’.</u> <u>An ‘Air Quality Focus Area’ is a location that has been identified as having high levels of pollution (i.e. exceeding the EU annual mean limit value for nitrogen dioxide) and human exposure. Air Quality Focus Areas are designated by the Greater London Authority.</u> The Council will consider the impact of introducing new developments to areas already subject to poor air quality, and the impact on the new occupiers of that development, especially in sensitive uses such as schools.”	Further to discussions in Hearing Session 5, to ensure that the Air Quality Focus Areas, as designated by the Greater London Authority, and updated on a regular basis, are referred to within the supporting text.
TBC	Local Environmental Impacts, Pollution and Land Contamination – Construction and Demolition	LP 10	Amend last sentence of LP 10 as follows: <u>Where applicable and considered necessary,</u> the Council will seek a <u>bespoke</u> charge <u>specific to the proposal</u> to cover the cost of monitoring the CMS; a discount may be applied if the applicant/developer uses the Council’s Building Control services.	Further to discussions in Hearing Session 5, to ensure that monitoring fees are specific to a proposal and in line with CIL regulations.
TBC	Amenity and Living Conditions	LP 8	Amend LP8 criterion 2 to read: 2. ensure there is <u>seek</u> a minimum distance of 20 metres... Amend paragraph 4.8.8 to read: Whilst there will be some impact from any new development, the test is one of harm in relation to the impact on habitable rooms, which includes all separate living rooms and bedrooms, plus kitchens with a floor area of 13sqm or more. The minimum distance of 20 metres between habitable rooms within residential development is for privacy reasons; a greater distance may be required for other reasons, or a lesser distance may be	Further to discussions in Hearing Session 5, to reflect the Council’s flexibility in policy implementation. To clarify the references to minimum distances are a reasonable starting point in the borough context, to provide clear guidance for developers and existing occupants, while

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			acceptable in some circumstances. <u>These numerical guidelines should be assessed on a case by case basis, since privacy is only one of many factors in site layout design; where the established pattern of development in the area (layout and height) may favour lesser distances.</u> The distance of 20 metres is generally accepted as the distance that will not result in unreasonable overlooking. Where principal windows face a wall that contains no windows or those that are occluded (e.g. bathrooms), separation distances can be reduced to 13.5 metres. <u>Where the impact of a building is on another within the same development site, measures can also be applied to minimise overlooking, such as splays, angles of buildings, obscure glazing etc. A Supporting Planning Statement should set out justification for a reduction in these distances.</u>	recognising an assessment will be made on a case by case basis.

Hearing 6. Borough Centres. Economy and Employment.

The Council is considering potential changes to update the tables at paragraph 7.1 7 and 7.1.13 with the Village Plan visions in accordance with the recently adopted as well as imminent Village Planning Guidance SPDs and an update will be provided to the Inspector in due course.

The Council is considering potential changes to update the marketing requirements and Policies LP 40, LP 41 and LP 42 and an update will be provided to the Inspector in due course.

The GLA paper Projections of demand and supply for visitor accommodation in London to 2050 has been added to the EIP library.

The following changes are proposed by the Council:

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TBC	Development in Centres	LP 25	Add comma to LP25.A.3 to read:	For clarity that all developments over 500sqm will need a RIA,

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		 For retail developments, including extensions, of over 500sqm gross, the Council will require a Retail Impact Assessment. ...	not just extensions.
TBC	Development in Centres	Paragraph 7.1.13	Amend in paragraph 7.1.13 under Mortlake to read: provide improved functional and physical links to East Sheen centre ...	Further to discussions in Hearing Session 6, to clarify the reference to the links set out in the Mortlake Village Plan Guidance SPD.

Hearing 7. Transport Infrastructure, Monitoring and Other Matters.

With regard to SA 17, the Council's Ecology Officer position on the proposed designation of St Michael's Convent as an OSNI and the Addendum to the Salix Ecology, Habitat survey of proposed Sites of Importance for Nature Conservation in the London Borough of Richmond upon Thames have been added to the EIP Library.

The following changes are proposed by the Council:

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
TBC	Parking Standards and Servicing	LP 45	Modifications to paragraph 11.2.3: 11.2.3 Developers may only provide fewer parking spaces, including car free schemes, if they can show demonstrate as part of a Transport Statement or Transport Assessment with supporting survey information and technical assessment that there would be no unacceptable adverse impact on on-street parking availability , amenity, street scene, road safety or emergency access in the vicinity surrounding area, as a result of the generation of unacceptable overspill of on-street parking in the vicinity . In general it is expected that in PTAL areas of 0-3 1-4 the standards should be met, but in In PTAL areas of 5-4 6 , such as Richmond and Twickenham centres,	Further to discussions in Hearing Session 7, to clarify how the flexibility in the parking standards is being applied.

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
			parking provision at a level lower than the standard or a car-free development, supported for example by a car club, may be appropriate <u>where this can be demonstrated as acceptable, taking account of local characteristics, availability of sustainable modes of travel and public transport provision, and availability of on-street parking spaces in exceptional circumstances.</u>	
TBC	Parking Standards and Servicing	Paragraph 11.2.2	Amend last paragraph of 11.2.2 as follows: 11.2.2 This restriction would be secured by a Planning Obligation by <u>excluding the address from the schedule of streets in the relevant road traffic order that created or creates the Controlled Parking Zone in which the property is situated, by restricting under section 106 of the Town and Country Planning Act 1990 the disposal of an interest in relevant properties unless a person disposing advises the person acquiring of the non-availability of residents or business on-street parking permits and/or through Section 16 of the Greater London Council (General Powers) Act 1974 (or any statute revoking or re-enacting that Act).</u>	Further to discussions in Hearing Session 7, to clarify the legal mechanisms for securing a limitation of parking permits.
TBC	Planning Obligations and Financial Contributions	Paragraph 13.3.5	Amend paragraph 13.3.5: ... It should be noted that Planning Obligation monies will not be secured for projects or items already on the Council's Regulation 123 List, <u>and will be subject to the pooling restrictions as set out in the CIL regulations.</u>	Further to discussions in Hearing Session 7, to refer to the pooling restrictions for clarity.

Hearing 8. Site Allocations SA18-SA28

The Council is mindful about the consistency in the Local Plan’s approach to referring to accessibility and constraints issues within Site Allocations in general. Whilst it is acknowledged that SA 28 Barnes Hospital has particular access constraints, the Council would like to point out that other sites face similar constraints. For example, SA 15 Ham Close has an even lower PTAL (1a) and is constrained by the fact that there is only one road in and out of Ham and Petersham, and there are limited opportunities for public transport improvements as there is no railway line in the area and therefore relying on bus services. Similarly SA 12 Mereway Day Centre (which is at the end of a residential road tucked in beside the River Crane) and SA 7 Strathmore Centre are both very constrained sites, whereby the latter has access only via a one-way road (Strathmore Road), which is already heavily parked on and heavily used by Stanley School on the opposite side.

Notwithstanding the above, the Council would be amenable to the addition of a new penultimate bullet point in SA 28 if the Inspector considers this to be necessary:

“Any redevelopment proposal should promote sustainable modes of travel, and impacts on the local transport and highway network arising from any development should be mitigated.”

The following changes are proposed by the Council:

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
TBC	Site Allocations	SA 24 Stag Brewery	Proposed modification as new additional bullet point – new 10 th bullet point (after the one referring to Mortlake Conservation Area): <u>“The site is very close to an Air Quality Focus Area. Therefore strict mitigation measures will be required, both to mitigate any effect on current receptors and highways and on future receptors within the proposed development, particularly for sensitive receptors, such as pupils at the secondary school.”</u>	Further to discussions at Hearing Session 8, to recognise that the air quality evidence has changed since the adoption of the site development brief in 2011.
TBC	Site Allocations	SA 24 Stag Brewery	Amend penultimate bullet point as follows: “There may be an opportunity to relocate the bus stopping / turning facility from Avondale Road Bus station to this site. The adopted development brief (2011) identifies a number of transportation and highways issues. The Council will expect the developer to work together with relevant partners, including Transport for London, to ensure that where possible <u>necessary</u> improvements to <u>sustainable modes of travel,</u>	Further to discussions at Hearing Session 8, to recognise existing constraints and strengthen the need for improvements to sustainable travel modes where necessary.

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
			<u>including</u> public transport facilities, can be are secured as part of any development proposal. <u>The opportunity to relocate the bus stopping / turning facility from Avondale Road Bus station to this site should be investigated as part of the comprehensive redevelopment.</u>	
TBC	Site Allocations	SA 24 Stag Brewery	Amend first bullet point as follows: “The Council has produced and adopted a development brief in 2011 for this site, which sets out the vision for redevelopment and provides further guidance on the site’s characteristics, constraints, land use and development opportunities. <u>Any proposed development should have regard to the adopted brief.</u> ”	Further to discussions at Hearing Session 8, to clarify that any development scheme coming forward has to have regard to the adopted SPD.
TBC	Site Allocations	SA 24 Stag Brewery	Keep the 10 th bullet point of the supporting text as existing and remove previous change PE/SA 24/2. Insert after 10 th bullet point the following: <u>The playing fields in the south west corner of the site, which are designated Other Open Land of Townscape Importance (OOLTI), should be retained and/or reprovided and upgraded. In the event of reprovicion and upgrading, where a comprehensive approach to redevelopment can be taken in line with policy LP 14, it may be acceptable to re-distribute designated OOLTI within the site, provided that the new open area is equivalent or improved in terms of quantum, quality and openness. In addition, reprovicion and upgrading of the playing fields within the site for sport uses has to be carried out in line with policy LP 31, NPPF and Sport England Policy.</u>	Further to discussions at Hearing Session 8, to set out the context for ‘reprovicion’.
TBC	Site Allocations	SA 24 Stag Brewery	Amend 9 th bullet point as follows: “The site is within <u>an Archaeological Priority Area and</u> partially within the Mortlake Conservation Area...”	Further to discussions at Hearing Session 8, for clarification.
TBC	Site Allocations	SA 19 Richmond Station	Add to ninth bullet point: “The Council has produced and adopted a development brief for this site, which provides further guidance on the site’s characteristics, constraints, land use and development opportunities. <u>The Council intends to update this SPD.</u> ”	Further to discussions in Hearing Session 8, to clarify the Council intends to update the Richmond Station Site Brief.

Change Ref.	Policy Section or heading	Page /Paragraph	Proposed change	Reason for the change
TBC	Site Allocations	SA 26 Kew Biothane Plant	Add to sixth bullet: “The Council expects that the most important existing Buildings of Townscape Merit are retained. ...”	To correct a typographical error.

Appendix 1. Further to discussions in Hearing Session 5, the Council did further liaise with Adams Integra regarding the Whole Plan Viability assessment.

The Whole Plan Viability Draft Report at paragraphs 14.9.7 and 14.9.8 confirms that the policy implications such as green roofs and walls, sustainable design and construction have been reflected in the build costs for non-residential inputs. The consultants have confirmed that the costs for non-residential uses arose out of discussions with their quantity surveyor, intended to achieve the Council's requirements for BREEAM Excellent and green roofs. As always, there will be site specific variations, for which they apply the 5% additional contingency cost.

Regarding queries that had arisen in Hearing 5 such as in relation to LP10 (e.g. for various assessments) and LP16 (e.g. for replacement trees and/or site-specific off-site contribution in line with monetary value of existing tree to be lost), the consultants have confirmed there is scope within their assessment for site specific issues. The Whole Plan Viability Draft Report at paragraph 11.2 refers to the rate of £1,000 per housing unit for any other S106 costs allowed for, that could be S278 contributions or other site specific contributions. This was intended to cover any on-site s106 matters. There would also be additional allowances, as Whole Plan Viability Draft Report has taken professional fees at 12% of build costs (paragraph 11.1), including the extra sustainability costs, in addition to the development cost of the sustainability items themselves (appendix 3 of the 2016 report). The industry norm for professional fees would be 10%.

For example, if you refer to the example appraisal at appendix 6b of the report, being for 30 units, the total fees for architect and consultants are £622,510. This is calculated as follows:

Build costs	£4,896,589
Extra cost of sustainability	<u>£ 291,000</u>
Total	£5,187,589
Fee percentage	12%
Fees at 12%	<u>£ 622,510</u>

If the fees were taken at 10%, then the fee cost would reduce to £518,759. There is, therefore, an extra allowance of £103,751, or £3,458 per unit. This is in addition to the £1,000 per unit for s106.

For the same calculation from the 6 unit appraisal, then the additional fee allowance is £4,000 per unit.

The consultants therefore suggest these extra fees would cover both the sustainability requirements and any required assessments such as for noise, air quality etc.