

Key actions arising from hearings – Week 2 (update provided to Inspectors 08.07.2024)

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 it is intended that the Council will update and publish a Schedule of Modifications in due course, using a prefix EH to identify they have arisen from discussions during hearing sessions. These will be for the Inspectors to consider, and inform a future Main Modifications public consultation.

Hearing 5 (02/07/2024) – Richmond & Richmond Hill (MM9), Kew (MM10), Mortlake & East Sheen (MM11), and Barnes (MM12)

- The Council have uploaded a document to show the actions arising from hearings for week 1 ([LBR-004](#)) to the examination library to provide an update to the Inspectors and participants.
- The Council have uploaded an updated Hearings Programme ([ID-002a](#)) to the examination library to include REP/085 Tim Catchpole obo Mortlake and East Sheen Society as a participant in the hearing sessions.
- A number of suggested modifications were discussed, these are set out below.

The following changes are proposed by the Council:

Change ref.	Policy section or heading	Page/ paragraph	Proposed change	Reason for change
Place-based Strategy for Richmond and Richmond Hill				
TBC	Site Allocation 25 – Richmond Station	127, ‘Relevant Planning History’ box within ‘Context’ section	Delete text and replace with following: None. Planning permission granted 11/06/2024 under application reference 23/3371/FUL for creation of two additional levels of Class 3 accommodation comprising 7no. units at Westminster House.	Further to discussions in Hearing 5, factual update to the planning history for clarity.
TBC	Site Allocation 25 – Richmond Station	p.129	Amend the first bullet point on page 129 to read: Development should demonstrate an understanding of have due regard to the station BTM, including its visual character which lies principally in the façade and booking hall. Any	Further to discussions in Hearing 5, to aid clarity.

			redevelopment proposal should be of the highest quality in character and respond positively to the Conservation Area and BTM.	
TBC	Site Allocation 29 – Homebase, Manor Road	140, 'Relevant Planning History' box within 'Context' section	<p>Delete text and replace with following:</p> <p>An application (ref. 19/0510/FUL) for redevelopment of the site for a residential-led scheme to provide 385 homes (35% affordable) was refused by Planning Committee in July 2019 on grounds of under-provision of affordable housing, visual impact, residential standards and sustainability. The application was called in by the Mayor of London (ref. GLA/2020/6252/s3) and during the process the scheme was revised to increase the number of homes to 453. The proposal includes buildings up to 11 storeys. The Mayor resolved to grant permission but a decision remains outstanding. Permission has been granted and the decision notice was issued 23/05/2024.</p>	Further to discussions in Hearing 5, factual update to the planning history for clarity.
TBC	Site Allocation 30 – Sainsburys, Lower Richmond Road	143, 'Transport / Highways' box within 'Context' section	<p>PTAL score needs to be amended in Context table, Transport/Highways section. Currently listed as 5, needs to be 4: PTAL 5 4 'very good'</p>	Further to discussions in Hearing 5, factual change for clarity. PTAL on both Site Allocations 29 and 30 were checked – PTALs vary by location so sites can fall within more than one cell, so can differ and be a mix of levels. It also can vary for example sensitive to changes in bus services. It is suggested the PTAL for this site is recorded as 4, as considered under 19/0510/FUL.

Place-based Strategy Kew				
TBC (to supersede SA31.2)	Site Allocation 31 – Kew Retail Park	151, Vision	<p>Delete the following text within bullet point 2, under the Vision:</p> <p>Any new convenience retail provision should not exceed the floorspace of the existing units, to protect the existing local centre in Kew.</p> <p>And replace with:</p> <p><u>Any mixed use scheme including retail, will require a Retail Impact Assessment where applicable, in accordance with Policy 18 (g).</u></p>	<p>Further to discussions in Hearing 5, as agreed by the Council and Avison Young on behalf of Marks and Spencer and St George, to allow for consideration of impact of additional retail floorspace where a Retail Impact Assessment is required.</p>

Hearing 6 (03/07/2024) – Main Matter 13 – Responding to the climate emergency and taking action, Main Matter 14 – Shaping and supporting our town and local centres as they adapt to changes in the way we shop and respond to the pandemic, Main Matter 15 – Increasing jobs and helping business to grow and bounce back following the pandemic

- The Council with consultants CIS will provide a further note to detail the evidence discussed around the proposed £300 per tonne carbon offset rate to demonstrate delivery of the Local Plan will not be unduly constrained by this policy approach; to be added to the Examination Library in due course.
- The Council proposed to publish an update to the Statement of Common Ground with the Environment Agency ([SOCG-08](#)) to include an updated on the functional floodplain definition, as set out by the Council in Hearing 6.
- The Council to consider and agree a proposed modification with the Home Builders Federation (HBF) in relation to Policy 9 and ensuring adequate water supply, surface water, foul drainage and sewerage treatment capacity, to amend part D to be consistent with paragraph 16.98 and the separate statutory regime. The Council to also seek views of Thames Water. The HBF also seek amends to parts E, F and G.
- The additional session to resolve issues relating to MM3 and the affordable housing viability threshold is likely to be added to the matters for Wednesday 10 July; the Hearings Programme ([ID-002a](#)) to be updated once confirmed.
- A number of suggested modifications were discussed, these are set out below.

The following changes are proposed by the Council:

Change ref.	Policy section or heading	Page/ paragraph	Proposed change	Reason for change
Responding to the climate emergency and taking action				
TBC	Policy 19 Managing the Impacts of Development on, Part D and paragraph 18.39 Surroundings, part D	249, 250	Amend Part D. Over-concentration of uses: 1. The Council will resist proposals that result in an over-concentration of similar uses (such as including for example betting shops, public houses, bars and take-aways) in any one area and/or that would result in an adverse impact on the amenity of nearby users as well as surrounding residential areas.	Further to discussions in Hearing 6, to clarify that the list of uses is not exhaustive , to allow flexibility to include potential new uses or respond to future changes.

			<p>Add a new sentence at the beginning of paragraph 18.39: <u>For clarity, Part D1 of this policy provides examples of uses to which the policy can apply, but this is not an exhaustive list.</u> The impacts of food, drink and entertainment uses on the surrounding area need to be ...</p>	
TBC	Policy 22 Promoting Jobs and our Local Economy. part D	256	<p>Add reference to the Agent of Change principle in part D:</p> <p>D. The design and layout of the development must ensure that the proposed uses can successfully co-exist with surrounding uses, having regard to the amenity of adjacent occupiers and the operational requirements of existing and future businesses, ensuring that any potential conflicts will be adequately mitigated <u>in accordance with London Plan Policy D13 Agent of Change.</u></p>	Further to discussions in Hearing 6 and as suggested in the Council's Written Statement, for clarity.

Hearing 7 (04/07/2024) – Protecting what is special and improving our areas (MM16), and Increasing biodiversity and the quality of our green and blue spaces, and greening the borough (MM17).

The following changes are proposed by the Council:

Change ref.	Policy section or heading	Page/ paragraph	Proposed change	Reason for change
Protecting what is special and improving our areas				
TBC	Policy 29 Designated Heritage Assets	278, Paragraph 20.31	Amend paragraph 20.31 to reference the circumstances when outline planning applications may not be required: Outline planning applications will not be accepted within Conservation Areas because the character, appearance and distinctiveness of those areas can be dependent on the detail of developments, unless it can be demonstrated that the impacts of the development on the significance of the area can be fully assessed including views and vistas.	Further to discussions in Hearing 7, to ensure consistency between Policy 29 (E) and the supporting text in the approach to outline planning applications in Conservation Areas.
TBC	Policy 31 Views and Vistas	283, Paragraph 20.43	Amend paragraph 20.43 to reference the Council will take forward the Local Views SPD to adoption following the Local Plan: 20.43 The Council commissioned further analysis work to review the borough’s views and vistas, alongside the Urban Design Study. The Urban Design Study sets out details of valued views and vistas, including the range of prospects, linear views, and townscape views, which are highly important including in the borough’s riverside and open space settings. These are recognised in each character area profile, along with the	Further to discussions in Hearing 7, to ensure there is clarity that the Local Views SPD is not the subject of Examination, and it is for the Council to take forward details in the SPD.

			<p>design guidance strategy for each area. This further analysis has provided a baseline assessment of existing protected views and vistas, additional new locally important views that have been identified, as well as setting out opportunities to improve these. This forms the basis for a draft Local Views Supplementary Planning Document to clearly identify the protected views which will be finalised following the adoption of the Local Plan.</p>	
Increasing biodiversity and the quality of our green and blue spaces, and greening the borough				
TBC	Policy 39 Biodiversity and Geodiversity	310, Part A.7 and 314, Paragraph 21.75	<p>Amend the policy: 7. protecting back gardens from development which may destroy, impair, or harm their integrity, and removing Permitted Development Rights from where possible, to ensure new developments, including conversions and changes of use resulting in a new dwelling, for all proposals that require planning permission in order to protect rear and front residential garden spaces as a cumulative key wildlife habitat resource.</p> <p>Amend paragraph 21.75 (final bullet point):</p> <p>The Council will may remove Permitted Development Rights from all proposals that require planning permission to protect residential gardens, which contribute substantially to the total green space in the borough.</p>	Further to discussions in Hearing 7, the approach to removing Permitted Development Rights should not be specified in Policy 39, and can be a tool taken forward through the Development Management process on a site by site basis.
TBC	Policy 39 Biodiversity and Geodiversity	309, Part A 5a and 313,	<p>Remove Part A 5 a: 5. requiring the following development proposals to provide a measurable 20% net</p>	Further to discussions in Hearing 7, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (which came into force following submission of the Local Plan, on 12

		<p>Paragraph 21.74</p>	<p>gain for biodiversity, in line with the latest available version of the DEFRA metric:</p> <ul style="list-style-type: none"> a. small-scale householder applications which increase the footprint and/or floorspace of the existing dwelling; b. all development proposals, including conversions or changes of use, that result in 1 dwelling unit or more; be. non-residential development proposals which increase the footprint and/or floorspace; <p>Delete reference in paragraph 21.74: ... Natural England's Small Sites Metric will be appropriate for most small sites small-scale householder applications as well as other minor development, whilst the Biodiversity Metric 3.1 (or later versions) should be used for other applications for development. Development proposals should also ...</p>	<p>February 2024) set out that householder applications are an exemption to the biodiversity net gain condition applying.</p>
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