



The Planning
Inspectorate

Report to the London Borough of Richmond upon Thames

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an Examiner appointed by the Secretary of State for Communities and Local Government

12 September 2011

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE DEVELOPMENT MANAGEMENT PLAN
(DMP)**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 7th February 2011

Examination Hearings held between 11th May and 30th June 2011

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Abbreviations Used in this Report

| | |
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| AA | Appropriate Assessment |
| AHVA | Affordable Housing Viability Assessment |
| AMR | Annual Monitoring Report |
| BREEAM | Building Research Establishment Environmental Assessment Method |
| CS | Core Strategy |
| DE | Decentralised Energy |
| DPD | Development Plan Document |
| FPC | Further Proposed Change |
| HMA | Housing Market Area |
| LDS | Local Development Scheme |
| LP | Local Plan |
| OOLTI | Other Open Land of Townscape Importance |
| PC | Proposed Change |
| PPS | Planning Policy Statement |
| PUA | Principal Urban Area |
| RS | Regional Strategy |
| SA | Sustainability Appraisal |
| SCI | Statement of Community Involvement |
| SCS | Sustainable Community Strategy |
| SES | Strategic Employment Site |
| SHLAA | Strategic Housing Land Availability Assessment |
| SHMA | Strategic Housing Market Assessment |
| SRA | Strategic Regeneration Area |
| SUE | Sustainable Urban Extension |
| UDP | Unitary Development Plan |

Non-Technical Summary

This report concludes that the London Borough of Richmond upon Thames Development Management Plan Development Plan Document provides an appropriate basis for development management in the Borough over the next fifteen years. The Council has sufficient evidence to support the DMP and can show that it has a reasonable chance of being delivered.

All of the changes recommended in this report are put forward by the Council in response to points raised and suggestions discussed during the Examination. The DMP with changes is supportive of and does not alter the Core Strategy.

Introduction

1. This report contains my assessment of the Richmond upon Thames Development Management Plan Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the Examination was the assumption that the local authority had submitted what it considered to be a sound plan. The Examination was of the Development Management Plan (DMP) Publication Version (for consultation 25th October to 6th December 2010) incorporating the "Final list of changes before submission" of February 2011, together these comprised the submitted DMP. The DMP is based on the adopted Core Strategy (April 2009).
3. My report deals with the changes that were needed to make the DPD sound and they are identified in the appendices and referred to as necessary in the report. All these changes have been proposed by the Council and are presented in Appendix A. Where the Council proposed changes that went to soundness and were significant, they have been subject to public consultation and revised Sustainability Appraisal and this and the consultation responses have been taken into account in writing this report. I endorse these changes.
4. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.

Assessment of Soundness

Preamble

5. During the course of the Examination the Panel Report of the Examination in Public of the Draft Replacement London Plan was published. In addition to considering the Panel Report as a whole all relevant panel recommendations were reported to each session of the Hearings and thus issues of general conformity with the London Plan were fully considered in the Examination. Subsequently the London Plan 2011 was published with effect from 22nd July 2011 and was taken into account in the preparation of this Report.
6. Further, during the Examination the Government published a Draft National Planning Policy Framework for consultation. A further consultation of all parties was therefore carried out prior to this report being submitted. The draft Framework includes a proposed 'Presumption in favour of sustainable development', with the aim of planning positively for new development. Such an approach (including matters of viability) was considered thoroughly in part due to the Ministerial Statement Planning for Growth and the consideration was therefore fully taken into account. Proposals for a new designation for locally important green spaces can be seen to have been taken into account through the Council's use of OOLTIs and would not alter the conclusions on open space designations elsewhere in the Borough. No changes were requested by the Council, nor are considered necessary following examination in relation to the Draft National Planning Policy Framework.

Main Issues

7. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings I have identified, in addition to examining soundness of all policies in the DMP, five main questions upon which the soundness of the plan depends.

Issue 1 – Whether the DMP is sound with regard to Government policy on Planning for Growth, viability and the DMP's relationship with Building Regulations, and whether the DMP is sufficiently supportive of the Core Strategy.

Planning for Growth and Viability

8. The Core Strategy sets the basis of the approach to considering viability in development however since its adoption economic conditions have worsened and a key government policy on Planning for Growth has been initiated, thus the DMP needed to be further tested for its affect on the viability of development. Section 7.2 of the Core Strategy deals with Costs and Viability and within this, paragraph 7.2.6 sets out the criteria to be taken into account within an independent financial viability assessment, should exceptions to policies be required on grounds of viability. It clarifies that policies will include provision for such exceptions.
9. When the Core Strategy was prepared the Council commissioned an independent viability assessment to ensure that requirements for affordable

housing, employment and sustainable construction would not render developments unviable.

10. With respect to the sustainability requirements set out in the Core Strategy, the Council commissioned a further independent study providing evidence to underpin the Council's local CO2 emissions reduction targets and identify opportunities for decentralised, renewable and low carbon energy technologies.
11. New development has continued in the Borough and there is no evidence that the Council's policies or requirements to date deter development. In relation to new housing, the 2009/10 Annual Monitoring Report has continued to identify future land supply above the required target, including a number of large sites, which are expected to come forward for housing, of which a proportion will be affordable.
12. The Council also presented evidence of sites that continued to come forward for housing development including complex Listed Buildings (e.g. at Normansfield) showing that policies were not unduly affecting the viability of development in the Borough despite the recession. However the DMP sets the policies against which development will be considered for the next fifteen years and was therefore examined on its merits.
13. The DMP sustainability policies reinforce and take forward the Core Strategy's aims and ambitions. There has also been an uptake in the incorporation of green roofs since the DMP has been adopted for Development Control purposes.
14. The Council decided in the Examination in place of a policy on viability matters generally to address the viability of each of the requirements in its policies in the DMP individually and the issue was therefore examined under each policy below. A suite of changes however now produce a combined effect of qualifying requirements in the DMP with considerations of viability.
15. The question of whether the DMP would set local standards for matters more properly dealt with by Building Regulations made under the Building Act 1984 was examined as a key issue in relation to several policies (especially on energy and building construction). Paragraph 30 of PPS1 sets the precept: "Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency." The more recent supplement to PPS1 (Climate Change) emphasises this approach where it states (in paragraph 11) that "controls under the planning, building control and other regulatory regimes should complement and not duplicate each other." The Supplement (in paragraphs 30 to 32) also however encourages authorities to anticipate the proposed uprating of Building Regulations to zero-carbon by 2016 and sets out circumstances where it might be justified to set higher standards, mainly in relation to specific and identified development areas where there are particular opportunities for renewable energy. The Council however determined not to follow the development area approach and sought to justify its policies instead on a Borough wide basis.

SD1

16. Policy SD1 is a key policy introducing a suite of environmental policies for development. It seeks to ensure future developments are capable of mitigating and adapting to climate change by meeting the highest standards of sustainable design and construction. The policy sets out challenging overall carbon dioxide emissions reduction targets before setting specific requirements by reference to the Code for Sustainable Homes and BREEAM.
17. A study carried out for the Borough in 2008 (Evidence Base for Carbon Emissions Reduction Policies, London Borough of Richmond upon Thames, CEN and BDP) demonstrates that the targets, though stretching, are achievable. The targets can thereby be considered justified and effective.
18. However with the exception of Code Level 3 energy standards, both the Code for Sustainable Homes and the BREEAM standards set go beyond the Building Regulations and the stated aim of the policy is to achieve standards in excess of those required by Building Regulations. The degree to which applicants will be compelled to comply with these standards was therefore relevant and was examined.
19. The general policy approach including these requirements is established by and was examined in, the Core Strategy (policy CS1). SD1 gives practical expression to this higher level Core Policy CS1. A DMP can expect to refine the application of strategy following a more detailed Examination of its exact development management impact than is appropriate in a Core Strategy, but it cannot require major departures from the Core Strategy.
20. The relevant Core Strategy policy CS1 sets out these standards as requirements but is qualified by the preceding Chapter 7 of the CS in which it is made clear that where viability is an issue "policies allow for exceptions to be made" (paragraph 7.2.6). In addition Government policy in 2011 has now moved on: there is a continuing emphasis on achieving the zero carbon standard for new homes by 2016 but there is now a new emphasis on the Ministerial Statement Planning for Growth in which it is stated "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy." This places a new emphasis on the need for viability to be considered in all policies that set out requirements upon development.
21. With the changes proposed by the Council (EH1 and H2) it is clear that the policy applies subject to exceptions. In addition the targets themselves have been updated. In line with the CS the policy includes an allowance for exceptions to be made from the requirements in SD1 in cases where viability is a relevant issue. The Mayor of London believed that a wording approach of "where feasible" would be preferable to referencing viability. However the London Plan policies (5.2 and 5.3) are less strongly worded and subject to assessment on a case by case basis whereas in Richmond's case SD1 is posed as a requirement, and therefore requires counterbalancing with a stronger potential for exceptions on the grounds of viability, as per the changes proposed by the Council. This exception is also necessary to ensure the policy does not cut across Building Regulations. The approach allows exceptions to meeting code levels on grounds of viability and therefore Policy SD1 accords with Government policy in PPS1 vis-à-vis the Building Regulations and in

Planning for Growth and is therefore sound.

SD2

22. The requirements of SD2 speak of maximising renewable energy opportunities (SD2a); of reducing emissions "where feasible" (SD2b) and of local opportunities to be encouraged (SD2c), thus these do not frame any absolute requirements which could be at odds with Building Regulations and therefore there are no grounds for this policy to be unsound in this respect. In addition the policy is soundly based upon the Londonwide evidence base and research cited above. Change H4 focuses the requirement for some form of low carbon renewable and/or decentralised energy in SD2(a) on new as opposed to being on all development, necessarily for reasons of viability and in respect of the Government statement Planning for growth.
23. A further aspect of the policy, SD2d, requires connection to "existing or planned decentralised energy networks where one exists." This grasps the higher scale of development from individual building construction which is properly the focus of spatial planning and development plans and therefore does not cut across Building Regulations dealing at the scale of the individual building. The policy here is justified and in accordance with national policy given the overriding energy planning policy objectives reflected in PPS22, and is justified given the Mayor's Energy Strategy for London on which it is partially based. This part of the policy also takes account of viability considerations given that the costs of connection to an existing network cannot be assumed to be more costly than connection to any other energy network that is present. In addition the policy as a whole is now qualified by change EH3 which makes clear that viability information will be taken into account where appropriate and that an exception can be made as a result. SD2d also therefore is sound.
24. The related policy CP2 (in the CS) sets the scene for policy SD2 by requiring a 20% reduction in carbon dioxide emissions from on site renewable energy sources unless it can be demonstrated that it would not be feasible. This demonstrates through the Core Strategy how policies in this area are subject to exceptions where relevant.
25. SD2 also requires use of the Sustainable Construction Checklist. To the extent that construction is covered by the Building Regulations this is not a matter for planning policies therefore the nature of this requirement and the degree to which it would compel applicants to meet any standards was examined. Any possible implications for viability of development as referred to above were also examined. The Sustainable Construction Checklist does not form part of the DMP (nor of any other DPD) and therefore is not subject to independent Examination. It was noted however that the current Sustainable Construction Checklist with amendments (2008) requires applicants only to take into account guidance produced from a wide range of sources and to submit a number of documents (including an Energy Statement) enabling assessment of planning applications. The Checklist does not (and should not) require standards of building construction nor on energy, that cut across Building Regulations. Therefore this policy can be considered to be sound in this and other respects. Change EH3 also makes clear that where relevant an exception to this requirement can be made available on the grounds of viability.

26. Once again the Mayor of London would have preferred that feasibility rather than viability be referenced in the text as grounds for exceptions, however policy SD2 is posed similarly to SD1 as a requirement so a clearer base for exceptions is needed than for London Plan policy 5.3C which is less strongly worded.
27. The environmental policies are key to this DMP and to the Borough's approach, which is ambitious in terms of the environmental objectives which need to be met. The importance of meeting emissions reduction targets set out in policy remain relevant and are key to the Council's strategy despite the necessary qualifications of DMP policies to allow for matters of viability and feasibility. It cannot be assumed however that reductions in emissions could be achieved solely through requirements placed upon applicants through the DMP. The Council has a wider planning role to stimulate and bring forward a range of initiatives, including for example the potential development of renewable energy generation and networks. The Council's emissions targets set out in its Core Strategy can most likely be achieved through a combination of applying the DMP policies reactively, to applicants' proposals, along with proactively planning and seeking to deliver the infrastructure and other measures needed to support emissions reductions overall. Policies SD1 and SD2 reflect Government policy and obligations on carbon emissions reductions and therefore are also sound in this important respect.

SD4

28. Policy SD4 deals with the need to adapt to higher temperatures and for cooling, to which objective the Borough's green spaces and protected back gardens contribute. Whilst the policy touches upon issues of building construction, adaptation is not an issue the Building Regulations cover and thus logically this can be considered for Development Plan policy making even at the individual building scale. The policy is phrased as one which applicants must take into account rather than as a strict requirement and in addition the Council pointed to the Stern Review on the Economics of Climate Change (HMG October 2006) in which both considerations of ultimate costs (developments that do not adapt will be costly) as well as present viability need to be taken into account. As a result and because the Supplement to PPS1 on Climate Change encourages Councils to ensure policy reflects the need to adapt to higher temperatures this policy can be considered sound.

SD5

29. Policy SD5 adopts a proportionate approach to encouraging living roofs, with a greater requirement upon applications for developments with roof areas over 100m². Within the evidence base for this policy it is clear that the Council had considered the detailed costs of differing kinds of green and living roofs and the impact of this on the development. The consideration of viability is further clarified by change EH4 to the explanatory text for the policy. Viability is more appropriate a consideration than feasibility given that the policy is proposed to apply to all development whereas London Plan policy 5.11 only applies as a requirement on major developments.

SD6

30. Policy SD6 dealing with development and flood risk is of particular relevance to the Borough due to the Thames and other watercourses. One question examined was whether the policy to allow redevelopment in the functional floodplain (Zone 3b in PPS25 terms) only if there is a net flood risk reduction went beyond the requirements of PPS25 that there be no land use intensification. Given this requirement however is subject to an exception (the penultimate column of the table) in the case of essential utility infrastructure the policy remains in accordance with PPS25 and can therefore be considered sound in this and in other respects.

SD7

31. SD7 requires development to follow the drainage hierarchy derived from the London Plan which potentially went beyond Building Regulations standards. After Examination however the additional words in explanation of the policy (change EH5) now make clear that the policy applies subject to a potential exception on grounds of viability and is therefore sound. Viability is more appropriate a consideration than feasibility given that the policy is posed as a requirement.

SD9

32. SD9 requires standards of water use and consumption and the Examination considered whether these went beyond or cut across Building Regulations. The Building Regulations require a maximum use of 125 litres of wholesome water per person per day whereas policy SD9 requires "new developments" as a minimum to meet the "Eco-homes excellent" standard i.e. a maximum of 115 litres per person per day. The requirement in the policy is no more than 8% greater than Building Regulations and at the time of preparation of the DMP Building Regulations could reasonably be expected to catch up with this level of target within the lifetime of the DMP (assumed to be 15 years). The policy can therefore be considered sound provided the commitment given in the policy (that the requirements may be adjusted in future years to take into account the then prevailing standards) is followed through, particularly if Building Regulations are not up rated to the expected level. Contributory factors to finding this policy sound, are Paragraph 3.1.64 that makes clear that the policy does not apply to the less significant extensions/conversions and Section 7 of the Core Strategy which makes clear that policies include provision for exceptions where viability considerations merit this.

SD3, SD8 & SD10

33. The written evidence for these policies was examined and they were found to be sound there being no questions of soundness identified.

Issue 2 – Whether the DMP site designations are soundly based and the most appropriate strategy when compared against the other alternatives

STATEMENT 1 & LAND AT FULWELL AND TWICKENHAM GOLF COURSES

34. The Council, through its DMP Statement 1, maintains the designation of all the development plan Green Belt in its Borough without alteration. It was the

Council's case that other land (specifically the land known as Fulwell and Twickenham golf courses), protected by covenants made under the Green Belt (London and Home Counties) Act 1938, should not be designated Green Belt in the DMP. The Council acknowledged that the Act applied to this land and that the Secretary of State's permission is required for development other than for incidental uses. The Council considered the protection offered by the covenants to be possibly diminished by the fact that it had taken on the responsibilities of the former Greater London Council whose permission would otherwise have been required for them to be altered. The site is significant in terms of its size: some 213 acres or 86 hectares. It is amongst the largest half dozen open spaces in a Borough famous for large open spaces. It was agreed by all parties at the Hearings that further land identified by representors as Strawberry Hill Golf Course did not benefit from protection under the 1938 Act, however it and the Fulwell and Twickenham golf course are all designated as Metropolitan Open Land in the DMP.

35. Representors argued that the land at Fulwell and Twickenham golf courses should be designated as Green Belt in the Plan or that its specially protected status under the 1938 Act should be acknowledged in the Plan and/or noted on the Proposals Map. Their evidence suggested that 1938 Green Belt land in other Boroughs had become Development Plan Green Belt.
36. In part through the evidence submitted by representors it can be seen that there would be a strong case for the designation of the land at Fulwell and Twickenham golf courses as PPG2 Green Belt should the Council chose to so designate it. However this is the Council's Plan and Government policy is clear that such matters are the preserve of locally elected Councils. At this stage the Council does not believe the land should be PPG2 Green Belt and it would be unsound to effect this change given the Council's policy stance does not justify it. The change to the explanatory text (change EH34) to Statement 1 now renders the DMP effective here; given the scope for confusion between the two Green Belt regimes the clarity this provides (that this land does not fall under Statement 1 but is instead protected under different legislation) is sufficient to render Statement 1 and relevant policies effective.
37. The Examination considered the fact that PPG2 does not cover the issue of 1938 Act land and as stated by the Inspector of the Richmond-upon-Thames UDP in 2000 "it is wrong for the objectors to assume that land acquired or restricted as to its use under the 1938 Act is necessarily synonymous with land designated as Green Belt in a local plan or UDP." Nonetheless whilst not being synonymous with the PPG2 arrangements, the presence of protections under the Green Belt (London and Home Counties) Act 1938, is, part of the site's history, which in itself is relevant to any designations made under PPG2 policies in this Development Plan.
38. The 2000 UDP Examination did not have the benefit of an important expression of government policy in the form of a letter from Bob Neill MP, Parliamentary Under Secretary of State with responsibility for planning at the Department for Communities and Local Government, of 14th March 2011, to the local MP. This letter refers to the case raised by the representors and was presented in evidence to this Examination. In it the Minister refers to this 1938 Act land and states:

"I understand the argument that it would be clearer if all land which has Green Belt status was identifiable in local development frameworks, so as to encourage consistency of treatment. It is though up to local authorities to decide what land to designate as green belt in their local plans."

39. The letter from the Minister is a relevant expression of government policy to this Examination. It also aligns with previous statements of government policy on 1938 Act land which indicate that the approach to protection should be consistent with the approach to protecting land through PPG2 development plan Green Belt. These include most notably the Secretary of State's 'Decisions in Response to Consultation' (November 1984)¹ which states:

"6. Government policy on the designation and protection from inappropriate development of Green Belts has, since the 1950s, been applied through the Town and Country Planning legislation. This ensures a consistency of approach across all green belt land, including 1938 Act land and that in its vicinity."

40. This does not mean that government policy requires, in every single case of 1938 Act land, that it be designated as Development Plan Green Belt, but policy does clearly indicate an expectation of a consistent approach with that set out in PPG2. The approach consistent with PPG2 for treatment of Green Belt, would be designation in a development plan in the normal way. Thus the expected approach consistent with Government policy would be to protect 1938 Act land through designation as development plan Green Belt.
41. The Council's evidence indicates that it has previously been assumed that the 1938 Act was of no relevance to development plan designations, however decision makers did not have the benefit of the statements of Government policy above in general, nor of the letter from the Minister of March 2011 in particular which render such an assumption also to be false. If the Council therefore chose to designate this site as Green Belt in the DMP it would be in accordance with national policy, justified in that it would serve the purposes of Green Belt (and deliver its objectives) and also justified in that assumptions that previous 1938 Act Green Belt designations were irrelevant can now be seen, with the benefit of the recent Ministerial letter, to be false.
42. However the purpose of the Examination is not to re-write what is the Council's Plan, it is the Council which has been elected to determine policies for its area and this needs to be balanced against the potential soundness of designating the land as Green Belt in the DMP. The decision as to whether to designate this land as Green Belt in any DPD or partial modification, taking into account all the evidence, must rest with the Council itself, albeit that this Examination has demonstrated that there are no legal or planning policy

¹ Following the July 1984 "Consultation Paper: The Transfer of the Greater London Council's Interest in Land Under the Green Belt London and Home Counties Act 1938".

obstacles to it doing so if it so resolved. The matter is for the Council to decide and this conclusion is reinforced in the above Ministerial letter Mr Neill which emphasises: "It is though, up to local authorities to decide what land to designate as green belt in their areas." The Government's policies on localism also reinforce that it is a matter for the Council to choose whether or not to designate the land as Development Plan Green Belt. The Council is therefore entirely justified in choosing not to do so in accordance with its policy on the matter. Whilst designation of this land as Green Belt would be entirely possible this is not the Council's policy and the Plan as submitted was examined therefore and the current extent of, and Statement 1 on, designation of Green Belt in the DMP is sound. This is in part because the majority of the 1938 Act green belt land here has been afforded a similar level of protection as Metropolitan Open Land, albeit that the Council has in the past removed this protection from two parts of it which has allowed them to become developed.²

43. In all other respects also Statement 1 is sound.

OS1, OS2 AND LAND AT ORCHARD ROAD

44. Questions were raised as to the soundness of the designation of land at Orchard Road as Metropolitan Open Land. The site is on the east bank of a tributary of the river Crane at the foot of Orchard Road. Taken in isolation the site is modest in size (stretching back somewhere in the region of twenty metres from the river) but adjoins across the river a wider swathe of Metropolitan Open Land in the Borough of Hounslow. This larger allocation at other points stretches some one hundred and fifty metres or more from the river bank and is a strategic piece of land in respect of its overall size. While elsewhere development has come up to the river itself the majority of the river bank on this stretch is protected by significantly greater swathes of MOL than provided by this site and thus there is no scope for further reducing it in size. The site therefore, as part of a wider area of MOL serves a strategic purpose and meets the other criteria for MOL and therefore the allocation of this land remains sound.

45. No other doubts were raised or found regarding the justification, effectiveness or accordance with national policy in relation to OS1 and OS2 and these policies are therefore sound.

OS3

46. Other Open Land of Townscape Importance (OOLTI) is a longstanding designation in the Borough. Designations of a number of additional sites as OOLTI are made by this version of the DMP, recommendations were made by a professional study as well as by local amenity groups. The Government's

² See Appendix 2 of London Borough of Richmond upon Thames Unitary Development Plan Public Inquiry Commencing 16th May 2000: Council Proof in respect of representations by Mr. A. Berend, Mr Nicol Gent, Mr Green and Mr Walton. (Provided by the Council in 'Response to Examiner's Preliminary Questions').

policies on localism are relevant and local amenity groups possess local expertise. The larger proportion of objections raised to designation had been dealt with successfully by negotiation by the Council, in particular a buffer area of ten metres around existing buildings remains free from designation to enable householders to exercise their permitted development rights, the detail of this boundary had frequently been altered in response to concerns raised. As a result very few issues arose at the Hearings in relation to this policy. All such designations however could constrain development land needed to meet Core Strategy objectives for affordable housing and other of the Council's objectives and could have a material effect on landowners thus they merited and were subject to examination for these reasons amongst others.

47. Notably in the case of one landowner whose objection to the OOLTI designation in principle was pressed at the Hearings (of Longfield House, Longfield Drive, East Sheen) they did not opt to put forward any alternative OOLTI boundary but objected to the designation in principle. The area of Longfield House and Longfield Drive, as observed on a site visit, is one of large detached houses in an area of large houses and is set amongst large mature trees including a tall Cedar in grounds which adjoin Sheen Common (the Common is designated as MOL). The setting has already been the site of past development. The green open areas remaining are laid to gardens and planted with traditional garden shrubs etc. The area covered by these gardens on the edge of Sheen Common is of significant size and not only contributes to, but largely defines the local character of this part of East Sheen. The site is valued by local people as evidenced by its recommendation for OOLTI protection by Councillors and the biodiversity value that suburban gardens have is well documented. For these reasons the site closely meets the criteria for OOLTI and can be soundly designated as such.
48. Examination of the designation at Longfield Drive and elsewhere indicated that although the cumulative strategy for designated sites could no doubt be considered further (in relation to the omission of certain similar sites) it was nonetheless sound and the criteria, once changes were made to incorporate these into the policy itself (change EH6) were logical and soundly based.
49. Land at Christchurch Road, East Sheen and at Ferry Road/Baronsmean Road, Castlenau both constituted very deep back gardens and closely met the criteria for OOLTI and can be soundly designated as such.
50. Land at the old farmhouse at 6 Fife Road backs onto Sheen Common providing a setting for this historically interesting building and can be soundly designated.
51. Land at Harlequins, Twickenham, at Manor Road (Sainsbury's) Mortlake and at Cassel Hospital all are very open, contribute to the local character by virtue of their size position and quality and are of biodiversity value to the extent that all gardens are of biodiversity value. In addition several offer views from and into them. They can therefore all be soundly designated as OOLTI.

OS4

52. This is an established policy to protect Historic Parks Gardens and Landscapes. The policy was demonstrated at the Hearings to apply to those assets which

are on the English Heritage Register of Parks and Gardens of Historic Interest and those which are additionally identified in the explanatory text to the policy. Further to the changes to the policy wording H6 and EH16 it was made clear that it applies to these assets rather than applying any more widely thus the policy, with changes, is effective and justified and can be considered sound.

OS5

53. Policy OS5 requires developments to enhance existing and incorporate new biodiversity features. It is prefixed by the phrase that "all new development will be *expected* to preserve and where possible enhance..." demonstrating that its application is flexible allowing consideration of viability of a development. The policy can therefore be considered in accordance with national policy in this respect and with national policy on biodiversity (PPS9) can be considered sound.

OS6

54. This policy aims to establish open space provision through development. The wording of the policy offers sufficient flexibility, especially with the change H7, to allow viability to be taken into account and this policy can therefore be considered sound.
55. The designations made on the Proposals Map alterations under this policy include the removal from public open space of part of Twickenham Golf Course. Representations were made that this land should remain designated as public open space and that its enclosure represented creeping development upon the otherwise protected Twickenham golf course land (considered above under Green Belt policies). The Council had however granted planning permission for private use of the land in question as part of a wider sports facility and adjoining area of public open space. It was not open to the Examination to reconsider planning permissions, rather, as with other aspects of site history, this permission needs to be taken into account and it is properly for the Council to determine the policies and designations it wishes to adopt for the Borough. The Council's decision had already changed the use of this land to be private and therefore a policy which designated it as public would very likely be ineffective and thus unsound. There is nothing unsound per se in changing this designation of a piece of land from public to private open space and therefore given that no other questions of soundness arose, the designations made under policy OS6 including the transfer of part of the Twickenham Golf course from public to private open space stand and are sound.

OS7, OS8, OS9, OS10, OS11, OS12 & OS13

56. These policies on sports facilities, floodlighting, allotments, the Thames policy area, riverside uses and moorings were examined and found sound. In relation to policy OS11 on the Thames policy area changes which narrow the scope of OS4 (change H6) clarify that OS11 is the key policy for this subject.

Issue 3 – Whether the DMP is supportive of the Core Strategy objective to

sustain a diverse and strong local economy and retain and expand the provision of employment land, housing and affordable housing in particular.

TC1 & TC2

57. These policies expand on the strategy for the five main town centres (Richmond – the major centre and four district centres of Twickenham, East Sheen, Teddington and Whitton). Given the Government policy statement Planning for Growth and the priority given to sustainable economic growth in PPS4 these policies were examined in the light of these aims for growth and development in Richmond and Twickenham town centres (set out in CP8). This is to be achieved in part through accommodating larger format stores and through higher density approaches to housing. Growth through more significant office/employment space accommodation is also an objective for Richmond and Twickenham. The DMP supports this strategy.
58. TC1 and TC2 recognise that residential development may be acceptable in centres and in this context HO4 recognises that a high proportion of small units would be appropriate in residential development in town centres, thus the Core Strategy objective for smaller dwellings is supported here.
59. Retail frontages are designated on the Proposals Map and some minor alterations are made by this DMP. No representors pursued objections to these designations at the Hearings as the Council had successfully negotiated and amended these wherever appropriate in the pre-submission process. The alterations can be considered sound.
60. Core Strategy policy CP8 states that out of town retail development is not usually considered appropriate in the Borough and the question of the thresholds that would define such development was therefore examined. The Council's policy is to adhere to the threshold provided by policy EC14.4 of PPS4 rather than set its own threshold above which applications for retail development, out of centre, would require impact testing. Impact testing may also be carried out, where applicants are willing to provide this, for somewhat smaller developments though there is no policy requirement in the DMP for this. A policy approach which relies on the PPS4 approach is entirely in accordance with national policy. The policies are also justified by the constrained nature of the main centres in the Borough. This DMP policy can also be expected to be effective due to the existence of the Core Strategy and the clarity of approach appropriate to a Borough of widespread cultural and heritage significance in terms of its architecture and urban form.

Chapter 5: Meeting People's Needs: Section 5.1 Housing

61. There is very significant housing need in the Borough as described in the Core Strategy (page 26) and yet Richmond is characterised by large areas of protected land surrounded by otherwise built up areas many of which are also protected through Conservation Area and other designations. The provision of affordable housing and housing in general is recognised as an important aspect of sustainable economic development in PPS1 (paragraph 23) and thus the degree to which the DMP supports the Core Strategy aim to deliver housing was examined.

62. The need for affordable housing in the Borough was highlighted by the Annual Monitoring Report 2009/2010 figures which showed for example that there were zero affordable housing completions in that year (and only 145 total housing completions as against a target in Core Strategy policy CP14 to deliver 270 dwellings per year). The Council provided evidence that further affordable housing units were being completed and believed that as a result the AMR figures for the period as a whole would improve in forthcoming years. Whilst low completions figures are no doubt in part due to the economic recession and the lumpiness in which completions at this smaller scale level are likely to come forward (e.g. there were 436 completions in the previous year 2008/2009), there remains a need for responsiveness to the viability of delivering affordable housing, given the Government's policy statement Planning for Growth and other policy.
63. As a result of the Examination a number of policies in this chapter were changed by the Council to either provide more clearly for housing in general and affordable housing in particular, or to clarify the scope of design management policies so as not to unduly prevent the provision of housing.
64. Key to this matter however is the overarching approach of the DMP to housing. In order to ensure support to the Core Strategy and accord with national policy the introduction to the section on housing was changed (EH7) to clarify importantly that rather than there being "housing need in the Borough", there is in fact "substantial housing need in the Borough".

HO1

65. Core Strategy policy CP1 includes the statements that "The environmental benefits of retaining and where appropriate, refurbishing existing buildings, should be compared against redevelopment" and "Redevelopment of sites should normally only take place where there can be an increase in the number of housing units". The Council's DMP policy HO1 suggests a more definitive stance with the statement "Existing housing should be retained". This raised the question of whether the DMP here was in accord with and supportive of the Core Strategy.
66. Although the policy allows for exceptions to be made, such exceptions could have the effect of either reducing or increasing the number of housing units available (through replacement with flats or reversions from flats back to a single house respectively). The presumption of the policy however is clear that existing housing should be retained, therefore it can be assumed that in the majority of cases the policy will at least maintain the status quo rather than lead to fewer units, whether or not it restrains the rate of increase in units delivered by replacement developments. If a loss of units was to become significant the Council's policies to identify, record and plan to address the need for new housing units would need to respond. This risk was further mitigated through the Hearings in which the Council's proposed change EH8 expanded upon making exceptions for registered providers of social housing.
67. In applying a more resistant approach to replacement of existing stock and a more encouraging approach to reversions (particularly in the supporting text paragraph 5.1.4) the DMP does represent a new emphasis in policy. However the overarching thrust of the Core Strategy to address the substantial need for

affordable housing remains in place as do the key opportunities to address this particularly through the forthcoming Site Allocations DPD which will need to allocate sufficient land for housing. The new policy emphasis can therefore be considered a refinement only of the strategic approach which remains in place, rather than as one which undermines it.

68. The new support to reversions where a building was previously a single family dwelling house also has planning merit both in terms of the heritage value of individual houses which may be enhanced (undesigned heritage assets in PPS5 are considered to be of heritage value) and in terms of quality family housing, the need for which is recognised in PPS3. Even in the context of a number of reversions to single houses, the need to ensure sufficient provision of new dwellings, could nonetheless be achieved through the Core Strategy, provided the site allocations DPD is sufficiently robust in addressing this need.
69. For this reason and in view of the policy's effectiveness and accordance with national policy which encourages family housing in particular (paragraph 69 of PPS3) the policy with its changes can be considered sound.

HO2

70. This policy allows for infill development of new housing. Changes made at the Hearings by the Council (under EH9) clarify the application of this policy to housing (rather than to buildings in general) recognising that a different approach maybe considered in mixed use or commercial schemes. With the changes proposed the policy is sufficiently clear and can be considered sound.

HO3

71. Policy HO3 restricts backland development, a category of site that back gardens are very likely to fall into. This was examined principally due to recommendation 3.4 of the Panel examining the Draft Replacement London Plan that the reduction by 90% of the amount of housing to be sited on garden land "does not, however, obviate the need for a suitable evidence base at local level for area wide policies seeking to control such development." In response the Council provided the necessary evidence and identified the importance of gardens to its climate change mitigation and adaptation policies. In particular its Hearing Statements identified "urban greening" and "shading through appropriate planting" as key to achieving passive cooling solutions and avoiding the need for energy intensive solutions. The evidence base listed by the Council in its Hearing Statements for these approaches included "Sustainable Design and Construction", The London Plan Supplementary Planning Guidance, Londonwide Document LD/14; Core Strategy policy CP3 and particularly paragraph 8.1.3.5 of the explanatory text which stresses the importance of landscaping to counter urban cooling and Climate Change Adaptation by Design (Town & Country Planning Association, 2007). The need for trees and planting in gardens to help deliver urban cooling is recognised in Planning Policy Statement: Planning and Climate Change (Supplement to Planning Policy Statement 1). Furthermore the Core Strategy places an emphasis on meeting housing need and the Site Allocations DPD is proposed to and will need to allocate sufficient land for homes, notwithstanding policies such as HO3. Policy HO3 can therefore be considered well evidenced and sound in all respects.

HO5

72. Concerns were raised in relation to policy HO5 on housing to meet specific community needs (e.g. sheltered housing, staffed hostels etc) that the wording appeared to take little account of the need for affordable accommodation that would meet this need. Given the priority of the Council to deliver affordable housing in general it proposed, in the course of the Hearings, change EH13. This change includes "another priority local need" as possible grounds for an exception to the loss of such accommodation. Affordable housing could be one such priority local need which could therefore be taken into account as a factor in determining such applications. As a result and on the grounds of the other evidence, this policy is sound.

SI2

73. Policy SI2 manages loss of existing social infrastructure provision and given the objective of the Council to achieve affordable housing it proposed change EH14 to expressly include affordable housing as necessary in any residential use that replaces social infrastructure, rendering the policy sound in these and other terms.

EM2

74. Two important changes (EH25 and EH26) to EM2 on retention of employment land both have the effect of further supporting the provision of affordable housing in the Borough, supportive of the aims of the Core Strategy. Various representors argued for a more liberal approach to loss of employment land and creation of residential development in its place however the balance between retaining employment land and releasing unneeded employment land for housing must be one for the Council to strike on all the evidence. Its policies are well justified in an area where pressures on lower value employment land to be lost to housing are intense. The changes allowing for affordable housing give further emphasis to affordability, but only where residential development has been already agreed and therefore do not undermine the intention of the policy to retain employment. This policy with the changes, is therefore sound.

HO4, HO6, SI1, EM1, TC3, TC4 & TC5

75. An amendment to TC4 (change H11) clarifies the circumstances in which loss of local shop, service or public house may be permitted. There were no questions identified in relation to these policies which may be considered sound.

Issue 4 – Whether the DMP's design and development management policies are sound with regard in particular to conformity with the London Plan and whether the degree and nature of prescription they contain accords with PPS1.

HD2

76. The Borough of Richmond contains seventy-two Conservation Areas and over

one thousand, six hundred Listed Buildings. It follows that these constraints, given effect by the DMP policies, will act as a balance on the development objectives of the Core Strategy including those related to the provision of affordable housing and economic development as supported by Government policy. The soundness of policies in this area, and generally, therefore merited examination. Extending protections for Listed Buildings beyond the terms of PPS5 would need to be justified by a significant evidence base. Whether the sheer number of Listed Buildings justified a greater level of protection for them, was considered but is dismissed: the value of heritage assets cannot be judged solely by the quantity of them, as was confirmed to be the view of English Heritage at the Hearings. Many old buildings are not Listed because there are so many similar examples of them. The Council's change to this policy (EH17) therefore, brings it into accordance with national policy given that it now applies the tests set out in PPS5 proportionately and differently for the demolition of Grade II as compared with Grade I Listed Buildings. The policy is therefore sound especially given the additional change EH18 clarifying how the policy will apply to partial demolitions which may enhance a Listed Building or for other reasons. Other changes (ERH19 and EH20) are minor.

HD7

77. Policy HD7 protects views and vistas and was examined in the context of the other DMP policies including OS4, another policy which protects views and vistas (though in that case to and from historic parks and gardens). The policy on views and vistas more generally, HD7, is changed by EH21 which clarifies its protection is of identified views and vistas rather than of any views and vistas. This focuses the thrust of the policy on protected views rather than on views generally and it is therefore sound as a result.

TP8 & Appendix 4

78. The Mayor of London had made representations to the London Borough of Richmond upon Thames stating that the DMP was not in general conformity with the London Plan in relation to its policies and Appendix 4 on off street parking. Whether the DMP was in general conformity or not remained a matter to be determined by this Examination. The Examination received written, and heard oral, evidence from the Mayor's officers at Transport for London and from the Greater London Authority to the effect that both the number of parking spaces required for the development of a 3-4 bedroom dwelling were too numerous and could lead to over provision of car parking in opposition to the London Plan policies in favour of alternative forms of transport. Transport for London also argued against expression in the explanatory text to the effect that although the standards provided were maxima they should normally be met (paragraph 5.4.27). Core Strategy policy CP5 requires the Council "to have regard to maximum parking standards" and to encourage sustainable travel, aligning with policies CP1 Sustainable Development and CP2 Reducing Carbon Emissions. The Council were however concerned that high levels of car ownership without adequate parking spaces prejudiced residents, the street scene and related amenity.
79. The Council agreed further changes (EH35-EH40) following a further Hearing with the Mayor's representatives such that the approach that supports car free development in Richmond and Twickenham town centres was given further

emphasis and the wording explaining that the standards provided are maxima was clarified. On the basis of these changes the Mayor's representatives indicated that in the Mayor's view the DMP would now be in general conformity with the London Plan.

80. The degree to which this DMP may depart from the Core Strategy has been considered and is limited. Strategically the requirement is to have regard to maximum parking standards and policy TP8 and its explanatory text do indeed have regard to these. The fact that the Council in a more detailed interpretation of its Core Strategy, chooses to adopt the standards not only as a maximum but also, in most cases (but not all), as the standard to be met can be considered within the scope of the Core Strategy. The DMP can therefore be considered as in general conformity with the London Plan in terms of the written policies on this question. The Core Strategy remains the parent document for the DMP and in addition important regard must be had by the Council (whether or not the DMP is adopted) to its commitment therein to require car free housing in Richmond and Twickenham in contrast to the approach set out for the rest of the Borough.
81. The numerical car parking standards provided by the Council in Annex 4 to the DMP were also considered by the Mayor not to be in general conformity with the London Plan and in this instance the Council made a key change (EH23) which brings the standards closely into line with the London Plan particularly for 3 to 3-4 bedroom dwellings. Appendix 4 taken together with policy TP8 can therefore be considered as in general conformity with the London Plan and sound in all respects.

DC1

82. As stated above it was material to this Examination to consider the extent to which design management and other policies may or may not unduly constrain the achievement of the Core Strategy's development objectives. Whilst policy DC1 was considered sound there were two minor changes to the explanatory text which merit mention. Change EH27 confirms that the policy is not intended to determine the mix of houses and flats (a matter for policy HO4) but rather relates to the physical form of development and EH28 explains in what circumstances policies on "box infills" applies. Given the role of the Design panel was being reviewed change H13 was proposed by the Council to ensure the Plan remains effective.

DC3 & TWICKENHAM STATION SITE

83. Representations were made by a range of bodies including the Mayor of London that taller buildings than those allowed for by policy DC3 should be made possible in particular in the area of Twickenham station. The Council had added a wording to the policy allowing for exceptions to its 4/5 storey limitation on heights at this site. The site contains one building taller than this (around nine storeys) to which a lower extension had recently been permitted (on appeal). A key feature is the proximity of predominantly 2 and 3 storey houses surrounding the site on all sides. Pre-eminent amongst these is the nearby Heatham House the Listed property set back a little from the road with mature trees before it. The environs of Heatham House, stressed as important by English Heritage in the Hearing, represent the Georgian/Edwardian urban

form which is a key part of the Borough's heritage and which significantly extends here up towards the busier and more modern station area itself. The Council had commissioned and taken into account a Sustainable Urban Development Study produced for the Borough in 2009 in developing the policy.

84. Representors including in particular Royal Mail objected that paragraph 8.2.1.5 of the Core Strategy referred to this study which appears to indicate that Twickenham (and Richmond) town centres are suitable for tall buildings defined as six storeys or more. However the same paragraph also makes clear that the Study is guidance to be taken into account and as such the weight attributed to it cannot necessarily bind the DMP. The DMP is making detailed policy in full, taking into account the Study and other evidence. This must be the logical territory for the DMP to explore and make policy on. It does not undermine the aim and remains supportive of, the Core Strategy objectives for town centres as it clearly continues to allow for growth. This policy is in general conformity with the London Plan which leaves policy on tall buildings very much to the Boroughs.
85. The fact that the policy provides the criteria on which any exceptions can be considered is also relevant. Change EH22 makes clear that an exception may be made only following a townscape appraisal and significant local community support for the "public" benefits of the scheme rather than simply support for benefits of any kind. With these criteria within the policy and the change to the wording, this policy is sound for all the reasons set out above.

HD1, HD3, HD4, HD5, HD6, TP1, TP2, TP3, TP4, TP5, TP6, TP7, TP9, DC2, DC4, DC5, DC6, DC7, DC8, Statement 2 & DC9

86. The policies here listed did not, upon examination, raise any questions in relation to their soundness, in many cases as with policies above considered, they are based on former UDP policies and to an extent are tried and tested. Policy DC5 institutes an important rule that there be a minimum of twenty metres between the main facades of habitable rooms (clarified by change EH29). This rule is simple, well understood and will no doubt be an asset to those taking part in any decisions on planning and developing the Borough's future. These policies are all considered sound.

Issue 5 – Whether the DMP is sound with regard to minerals provision

87. The Minerals Products Association raised questions as to the soundness of the DMP given that it did not contain policies providing for minerals safeguarding or extraction. In contrast the views of the Mayor of London, when sought, indicated that the Plan was sound in this regard. The Association referred to two sites identified as providing potential for minerals extraction (London Aggregates Working Party Workshop Notes of 9th February 2010 paragraph 3.9) and raised concerns regarding the safeguarding of minerals sites and of railheads and wharves. Policies OS12 and TP3 are available to safeguard wharf and railway sites respectively and the Council agreed to consider any need for safeguarding individual minerals sites in its forthcoming work on a site allocations Development Plan Document. Given this wider policy framework in

which minerals policies sit, the DMP's contribution can be considered sound in view of the degree of transport safeguarding policies it contains.

Legal Requirements

88. My examination of the compliance of the DMP with the legal requirements is summarised in the table below. I conclude that the DMP meets them all.

| LEGAL REQUIREMENTS | |
|---|---|
| Local Development Scheme (LDS) | The Development Management Plan DPD is identified within the approved LDS of May 2009 which sets out an expected adoption date during Summer 2011. The Development Management Plan DPD's content and timing are compliant with the LDS. |
| Statement of Community Involvement (SCI) and relevant regulations | The SCI was adopted in June 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes and further proposed changes. |
| Sustainability Appraisal (SA) | SA has been carried out and is adequate. |
| Appropriate Assessment (AA) | The letter from Natural England of 20 th April 2010 provides a Screening Opinion setting out why AA is not necessary. |
| National Policy | The Development Management Plan DPD is in accordance with national policy. |
| Regional Strategy (RS) | The Development Management Plan DPD, with the changes attached in Appendices A and B is in general conformity with the London Plan. |
| Sustainable Community Strategy (SCS) | Satisfactory regard has been paid to the SCS. |
| 2004 Act and Regulations (as amended) | The Development Management Plan DPD complies with the Act and the Regulations. |

Overall Conclusion and Recommendation

89. **I conclude that with the changes proposed by the Council, set out in Appendix A, the Richmond upon Thames Development Management Plan DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I also endorse the Council's proposed minor changes, set out in Appendix B.**



Examiner

APPENDIX A – CHANGES PROPOSED FOR REASONS OF SOUNDNESS

NB. All changes are proposed by the Council, and have been subject to consultation and revised sustainability appraisal. Changes are listed in Plan (DMP) policy order.

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|--|---------------------------|---|---|
| H2 | DM SD 1 Sustainable Construction | Paragraph 4 within Policy | "They also must achieve a minimum 44 25 per cent reduction in Carbon Dioxide emissions over Building Regulations (2006 10) in line with best practice from 2010 to 2013, 55 40 per cent improvement from 2013 to 2016, and 'zero carbon' standards ³ from 2016." | Changes to Part L Building Regulations in 2010 |
| EH1 | DM SD 1 Sustainable Construction | Paragraph 3.1.2 | As discussed in the Hearing Session (Day 1), replace proposed change H3 with the following as penultimate sentence to paragraph 3.1.2: <u>"The Council will take into account relevant viability information."</u> | To ensure the thrust of the policy is tempered by considerations of viability |
| H4 | DM SD 2 Renewable Energy and Decentralised Energy Networks | Part a) of policy | Insert " <u>new</u> " prior to the word development within part a) of DM SD 2. | To focus the thrust of the policy application to new developments only |
| EH3 | DM SD 2 Renewable Energy and Decentralised Energy Networks | Paragraph 3.1.4 | As discussed in the Hearing Session (Day 1), replace proposed change H5 with the following at the end of paragraph 3.1.4: <u>"The Council will take into account relevant viability information."</u> | To ensure the thrust of the policy is tempered by considerations of viability |
| EH4 | DM SD 5 Living Roofs | Paragraph 3.1.25 | Delete "in accordance with Section 7.2 of the Core Strategy" for this sentence to read as follows: <u>"The Council will take into account relevant viability information"</u> . in accordance with Section 7.2 of the | To ensure the thrust of the policy is tempered by considerations of viability, in |

³ as defined in future legislation

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|------------------------------------|------------------------|---|--|
| | | | Core Strategy. | line with other proposed changes EH1, EH3 and EH5 |
| EH5 | DM SD 7 Sustainable Drainage | Paragraph 3.1.52 | As discussed in the Hearing Session (Day 1), add the following as second sentence to paragraph 3.1.52: <u>"The Council will take into account relevant viability information."</u> | To ensure the thrust of the policy is tempered by considerations of viability |
| EH 34* | 4.1 Green Belt | Statement 1 | After Statement 1, insert "The land at Twickenham and Fulwell golf courses is held under "The Green Belt (London and Home Counties) Act, 1938. An Act to make provision for the preservation from industrial or building development of areas of land in and around the administrative county of London." Under this Act owners are required to request permission from the Secretary of State to build on or dispose of this land. This requirement is separate from and in addition to any requirements for planning permission. Most of this land is protected in the Local Development Framework by its designation as Metropolitan Open Land under Policy DM OS2, it is not covered in this LDF by any planning policy green belt designation in the terms described by PPG2." | To ensure Statement 1 is sufficiently clear to be effective and that the relationship of this land to the policies/ Statement 1 is clear |
| H7 | DM OS 6 Public Open | Policy and para 4.1.22 | Add – <u>"Where financial viability is an issue, an assessment may be made using the guidance within</u> | Change to ensure the thrust of the |

* Proposed change EH34 was required to make the related policies (including Statement 1) sufficiently clear to be effective and sound, however it does not alter the thrust of any policy nor introduce any new material that was not available in the evidence base, thus further formal consultation on this change was not undertaken. (All other changes in this Appendix were subject to further consultation and a revised Sustainability Appraisal.)

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|---|-----------|--|--|
| | Space | | <u>para 7.2.6 of the Core Strategy."</u> | policy is tempered by considerations of viability |
| EH17 | DM HD 2 Conservation of Listed Buildings and Scheduled Ancient Monument s | Policy | Replace (1) with <u>"(1) consent would only be granted for the demolition of Grade II listed buildings in exceptional circumstances and for Grade II* and Grade I listed buildings in wholly exceptional circumstances following a thorough assessment of their significance"</u> | To comply with PPS 5 |
| EH18 | DM HD 2 Conservation of Listed Buildings and Scheduled Ancient Monument s | Policy | in the first sentence of (3) add <u>"including partial demolitions"</u> after "extensions" | To ensure that unsuitable additions to Listed Buildings are not prevented from being removed by the Policy |
| EH21 | DM HD 7 Views and Vistas | Policy | Delete "especially those" in first line | To limit the policy's application to certain, as opposed to any, views and vistas |
| EH9 | DM HO 2 Infill Development | Policy | As discussed in the Hearing Session (Day 3), amend wording as follows: All infill development must reflect the character of the surrounding area and protect the amenity of neighbours. In considering applications for infill development the following factors will be taken into account: 1. Plot width - plots must be sufficient width to allow a <u>buildingdwelling(s)</u> to be sited with adequate separation between buildings; 2. Spacing between dwelling - new dwellings must have similar | To narrow the scope of the application of the policy to housing consistent with its paragraphs 2 and 4 |

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|--|----------------------|---|---|
| | | | <p>spacing between buildings to any established spacing in the street;</p> <p>3. Height - buildingdwelling height should reflect the height of existing buildings;</p> <p>4. Materials – where materials on existing dwellings are similar, new development <u>dwellings</u> should reflect those materials;</p> <p>5. Architectural details – new development <u>dwellings</u> should incorporate or reflect traditional architectural features;</p> <p>6. Trees, shrubs and wildlife habitats – features important to character, appearance or wildlife must be retained or re-provided;</p> <p>7. Impact on neighbours – including loss of privacy to homes or gardens.</p> | |
| EH13 | DM HO 5 Housing to Meet Specific Community Needs | Policy | <p>As discussed in the Hearing Session (Day 3), amend as follows to separate into bullet points and add additional factor regarding other priority needs:</p> <p>The loss of existing housing will be resisted where it meets identified specific community needs, unless it can be shown that:</p> <ul style="list-style-type: none"> • the accommodation is no longer needed, or • that the existing accommodation will be adequately re-provided to an equivalent or greater standard in a different way or elsewhere, or • <u>the new accommodation will instead meet another identified priority local need.</u> | To ensure that that other priority needs including affordable housing could be considered in applying this policy |
| EH25 | DM EM 2 Retention of Employment | Policy point b) iii) | iii) <u>“maximum provision of”</u> affordable housing <u>“in accordance with CP19”</u> | To be in conformity with the Core Strategy |
| H12 | DM EM 2 | para 5.3.12 | At end add: | To ensure the |

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|------------------------------------|---------------|--|--|
| | Retention of Employment | | <u>"Where viability may be an issue, a financial viability assessment will be required taking account of para 7.2.6 of the Core Strategy."</u> | thrust of the policy is tempered by considerations of viability |
| EH26 | DM EM 2 Retention of Employment | 5.3.12 | Amend the final sentence as follows (with proposed change H12 shown for clarity): ...then exceptionally the Council may permit residential development <u>"which maximises" in the form of permanently affordable housing above the normal requirements set out in Policy CP15. Where viability may be an issue, a financial viability assessment will be required taking account of para 7.2.6 of the Core Strategy.</u> | To ensure the thrust of the policy is tempered by considerations of viability |
| H13 | DM DC 1 Design Quality | 6.1.15 | Remove para | Design Panel is being reviewed in the light of the Localism agenda |
| EH27 | DM DC 1 Design Quality | Para 6.1.6 | In second sentence insert <u>"physical"</u> before "form" | To narrow the application of this policy to physical form as opposed to dictating housing type (houses vs flats) |
| EH22 | DM DC 3 Taller Buildings | End of policy | To proposed change P28 insert <u>"public"</u> before "benefits" | To ensure that only public benefits, as opposed to benefits of any kind, can be cited to justify higher storey heights |
| H14 | Appendix 4 – Parking Standards | | In Appendix four, for B1, the remainder of the Borough, alter "Elsewhere 1 per 200 sq m" to <u>"Elsewhere 1 per 100 sq m"</u> | For conformity with the London Plan |
| EH23 | Appendix 4 | Use class | For vehicle parking | To ensure |

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|------------------------------------|-----------|---|---|
| | – Parking Standards | C3 | Change 3-4 bedrooms to <u>3</u> bedrooms and the standard for both within CPZs and in the remainder of the Borough to be: <u>“For one unit: 2 spaces, for two or more units 1 allocated space plus sufficient unallocated spaces to provide a total of 1.5 spaces overall per unit”</u> Change 5 bedrooms to <u>4+</u> bedrooms, standards to be <u>2</u> spaces in CPZs, 2 (<u>negotiable</u>) in the remainder of the Borough | greater conformity with the London Plan |

| | | | | |
|------|---|-------------|---|---|
| EH35 | DM TP8 – Off Street Parking – Retention and new Provision | Policy | At end of first para add <u>“and local traffic conditions”</u> | To ensure greater conformity with the London Plan |
| EH36 | DM TP8 – Off Street Parking – Retention and new Provision | Policy | To first sentence of second para, alter to read: <u>A set of maximum</u> car parking standards and cycle parking standards are set out in Appendix 4 for all types of development, these take into account bus, rail or and tube accessibility <u>as well as local highway and traffic conditions including demand for and the on street parking, regime.</u> | To ensure greater conformity with the London Plan |
| EH37 | DM TP8 – Off Street Parking – Retention and new Provision | Policy | To second sentence of second para, alter to read: These standards will be expected to be met, unless it can be shown that <u>in proposing levels of parking each applicant can demonstrate that</u> there would be no adverse impact on the area in terms of street scene or on-street parking. | To ensure greater conformity with the London Plan |
| EH38 | DM TP8 – Off Street Parking – Retention and new Provision | Para 5.4.27 | 3 rd sentence – delete <u>“although”</u> , and change to <u>“unless an wholly exceptional circumstance is demonstrated”</u> | To ensure greater conformity with the London Plan |
| EH39 | DM TP8 – Off Street | Para 5.4.27 | 4 th sentence – add <u>“local highway/traffic conditions and”</u> | To ensure greater |

| | | | | |
|------|---|-------------|--|---|
| | Parking – Retention and new Provision | | before “street scene” | conformity with the London Plan |
| EH40 | DM TP8 – Off Street Parking – Retention and new Provision | Para 5.4.29 | 2 nd sentence, after “higher PTAL areas (5-6)” add “ <u>such as Richmond and Twickenham town centres</u> ”. | To ensure greater conformity with the London Plan |

APPENDIX B - MINOR CHANGES

NB. All changes are proposed by the Council. Changes are listed in Plan (DMP) policy order.

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|---|--|---|---|
| H1 | Table 3.1 | Table 3.1 | Remove "x" in the box of Table 3.1 under "Renewable Energy and Decentralised Energy Networks" and "New non-residential development of less than 100sqm floorspace". | Correction for clarification |
| EH2 | DM SD 2 Renewable Energy and Decentralised Energy Networks | Policy text (1 st sentence) | As discussed in the Hearing Session (Day 1), replace "comply" with "conform" and add the word "SPD" to read as follows: New development will be required to comply conform with the Sustainable Construction Checklist SPD and: | For clarification |
| EH 32 | 4.1 Green Belt | Statement 1 | After PPG 2, insert "or any subsequent National Planning Policy Guidance" | To ensure the Plan remains up to date if policy guidance is updated |
| EH6 | DM OS 3 Other Open Land of Townscape Importance – Supporting text | New para after 4.1.7 | Further to the Hearing Session (Day 2), insert new paragraph after 4.1.7 in supporting text of DM OS 3: <u>OOLTI should be predominantly open or natural in character. The following criteria are taken into account in defining OOLTI:</u> <ul style="list-style-type: none"> • <u>Contribution to the local character and/or street scene, by virtue of its size, position and quality</u> • <u>Value to local people for its presence and openness</u> • <u>Immediate or longer views into and out of the site, including from surrounding properties</u> • <u>Value for biodiversity and nature conservation</u> <p><u>Note that the criteria are qualitative and not all need to be met.</u></p> | For clarification |

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
|------------|---|--------------------------|---|--|
| EH16 | DM OS 4 Historic Parks, Gardens and Landscapes | Policy | Replace " where appropriate " with " <u>referred to in para 4.1.10 below</u> " | To clarify scope of policy |
| H6 | Policy DM OS 4 Historic Parks, Gardens and Landscapes | Para 4.1.10 | Last sentence, delete "and Thames Landscape throughout the Borough." Insert " <u>and</u> " before "Richmond Green" | For clarification, Thames Landscape is protected by other policies |
| H8 | DM OS7 Children's & Young People's Play Facilities | Last paragraph of policy | Delete: Financial contributions will be required for most new developments towards the provision of, or improvements to play facilities. To last sentence after "on-site" add " <u>or for developments yielding less than 10 children</u> " | For clarification |
| H9 | Shopping and Centres | | Replace PPS 4 (Planning for Prosperous Economies) with PPS 4 (Planning for Sustainable Economic Growth) throughout. (To update title) | For clarification |
| EH15 | DM TC1 Larger Town Centres | 4.2.9 | Insert the word " <u>a</u> " before "centre of greater" in first sentence. | Correct omission |
| H10 | DM TC 3 Retail Frontages | 4.2.27 | Para 4.2.27 begins "Subsection D..." but should read "Subsection <u>C</u> ..." | Correction for clarification |
| H11 | DM TC 4 Local Shops, Services and Public Houses | Policy | Under section "B" (b) at end of sentence ending "access or neighbourliness" add the word " <u>or</u> ". | Correction for clarification |
| EH20 | DM HD 2 Conservation of Listed Buildings and Scheduled Ancient Monuments | Para 4.3.6 | 2 nd sentence, replace " four " with " <u>three</u> ", delete " Ham House " | To update |
| EH19 | DM HD 2 Conservation of Listed | Para 4.3.6 | Replace 1,200 with " <u>1,600</u> " | To update |

| Change Ref | Policy section or Proposals Map | Paragraph | Proposed change | Reason for change |
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| | Buildings and Scheduled Ancient Monuments | | | |
| EH7 | Housing Introduction | 5.1.1 | As discussed in the Hearing Session (Day 3), begin paragraph 5.1.1 as follows: There is a " <u>substantial</u> " housing need in the Borough.... | For clarification to express scale of housing need |
| EH8 | DM HO1 Existing Housing (including conversions, reversions and non self-contained accommodation) | New para | As discussed in the Hearing Session (Day 3), new paragraph to follow paragraph 5.1.4: 5.1.4 There is a presumption against the loss of housing units but exceptions may be considered if other policy priorities are met and wider benefits considered e.g. increase in employment uses, affordable housing or housing to meet identified community needs, provision of health facilities, or infrastructure. New paragraph " <u>It is recognised that RSLs are subject to complex financial regulations and have to address specific needs. Therefore exceptions to policy will be considered in cases where conversions or redevelopment will result in units being retained and managed as affordable housing by a RSL or similar body, in furtherance of the Council's Housing and Supporting People Strategies.</u> " ... | For clarification to set out that proposals put forward by registered providers that meet current priorities will be a material consideration to justify the loss of existing housing as an exception, as previously stated in UDP paragraph 8.77 |
| EH11 | DM HO3 Backland Development | | As discussed in the Hearing Session (Day 3), amend second sentence of policy as follows: In exceptional cases where it is considered that a limited scale of backland development may be acceptable it will still have to meet <u>should not have a significantly adverse impact upon</u> the following factors; ... | For clarification |

| Change Ref | Policy or section or Proposals Map | Paragraph | Proposed change | Reason for change |
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| EH12 | DM HO4 Housing Mix and Standards | | As discussed in the Hearing Session (Day 3), move first sentence to follow second sentence as follows: New development should provide a mix of housing appropriate to the location. Development should generally provide family sized accommodation, except within town centres where a higher proportion of small units would be appropriate. <u>The housing mix should be appropriate to the location.</u> | For clarification |
| EH14 | DM SI2 Loss of Existing Social Infrastructure Provision | | As discussed in the Hearing Session (Day 3), amend to read as follows: ... If no alternative social infrastructure uses are suitable, residential development will normally be required (unless there is an opportunity for mixed-use development) <u>including affordable housing</u> in accordance with <u>Policy CP15</u> and other relevant policies. ... | For clarification that any replacement residential development will need to contribute to affordable housing. |
| EH24 | DM EM2 Retention of Employment | Policy at end of a) | Insert word " <u>either</u> " after "...evidence; and" | For clarification |
| EH28 | DM DC 1 Design Quality | Para 6.1.9 | Last sentence - replace "box infills" with – "flat roofed or hip to gable extensions which affect the existing roof line" | For clarification |
| EH29 | DM DC 5 Neighbourliness, Sunlighting and Daylighting | Policy | In second sentence move " <u>main facing</u> " to follow "between" | For clarification |
| EH 33 | 6.1.40 Telecommunications | Statement 2 | After relevant, insert " <u>present or subsequent National Planning Policy Guidance</u> " and delete " Government guidance ". | To ensure the Plan remains up to date if policy guidance is updated |
| H15 | Appendix 4 – Parking Standards | | In Appendix four, alter use "use class A3", to " <u>use class A3", A4 and A5</u> ", Alter (a) to A3, (b) to A4 and (c) to A5 | To reflect the changes in the use classes order. |
| EH 41 | Appendix 4 | Standard | Add after "TP8" – " <u>Garages will be</u> | For |

| Change Ref | Policy section or Proposals Map | Paragraph | Proposed change | Reason for change |
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| | | residential | <u>treated as parking spaces"</u> | clarification |
| EH31 | Glossary | | Add " <u>habitable rooms</u> " - " <u>reception rooms, kitchens over 13 sq m and bedrooms</u> " | For clarification |
| EH30 | Glossary | | Add " <u>main windows</u> " " <u>The primary window in a room, generally, but not always, in the front or rear elevations.</u> " | For clarification |
| H16 | Glossary | | Add new term and definition: " <u>Zero Carbon (the following is subject to the Government's final definition for zero carbon) A zero carbon development is one whose net carbon dioxide emissions, taking account of emissions associated with all energy use, is equal to zero or negative across the year. The definition of 'energy use' will cover both energy uses currently regulated by the Building Regulations and other energy used in the home.</u> | Due to uncertainty around the definition of "zero carbon", add this definition in line with the draft replacement London Plan's early suggested changes |