The St Quintin and Woodlands Neighbourhood Development Plan

Report of Examination

Report to Royal Borough of Kensington & Chelsea

by the Independent Examiner:

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NEIGHBOURHOOD PLANNING INDEPENDENT EXAMINER REFERRAL SERVICE

26 October 2015

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Summary

1. From my examination of the submitted St Quintin and Woodlands Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the plan will meet the Basic Conditions. In summary they are that it must:

   - Have due regard to national policies and advice;
   - Contribute to the achievement of sustainable development;
   - Be in general conformity with the strategic policies of the development plan; and
   - Not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

2. I have also concluded that:

   - The plan has been prepared and submitted for examination by a qualifying body - the St Quintin & Woodlands Neighbourhood Forum;
   - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
   - The plan does not relate to "excluded development";
   - The plan specifies the period to which it has effect – to 2030; and
   - The policies relate to the development and use of land for a designated neighbourhood area.

3. I recommend that, once modified to meet all relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.

4. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the Neighbourhood Plan area.

1. Introduction

1.1 I am appointed by RB Kensington and Chelsea Council (RBKC), with the support of the St Quintin & Woodlands Neighbourhood Forum (the Qualifying Body – hereafter referred to as "the Forum"), to undertake an independent examination of the St Quintin & Woodlands Neighbourhood Plan, as submitted for examination.

1.2 I am a planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

1.3 It is the role of the Independent Examiner to consider whether making a neighbourhood plan meets the "Basic Conditions." These are that the making of the Neighbourhood Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
- not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.

1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

1.5 In examining the Plan I am also required to establish whether:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body;
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (i.e. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.

1.6 Finally, as Independent Examiner, I must make one of the following recommendations:

a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;

b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or

c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.8 Throughout my report where I have made recommended modifications, I have indicated what **I recommend** in bold.

The Examination process

1.9 I commenced initial preparation for the examination of the plan in July 2015 by reading the plan documents. The default position is that neighbourhood plan examinations are conducted by written representations. However, I considered it necessary to hold a public hearing on certain matters on which I required clarification by the parties in person or to hear oral evidence. This was on a range of topics, which I had set out in an agenda. A public hearing took place on the 22nd September at St Helen's Church, a commonly used meeting place within the neighbourhood plan area. I carried out unaccompanied site visits in advance, as well as an accompanied site visit at the close of the hearing.

1.10 After the publication of the hearing agenda, the Forum and Council continued to discuss the issues I had identified for the public hearing, and as a result, I was provided with an update of suggested changes, which the Forum had discussed with the Council, which I found most helpful.

The Examination documents

1.11 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan (see section 3), the relevant documents that were furnished to me, and were identified on the Forum's and Council's websites as the neighbourhood plan and its supporting documentation for examination, were:

- St Quintin and Woodlands Draft Neighbourhood Plan 2015-2030 – Examination version
- Basic Conditions Statement;
- Consultation Statement and Annexe; and
- Strategic Environmental Assessment Screening and responses.

1.12 In addition, I was furnished with some background documents, including: the Consolidated Local Plan, Frost Meadowcroft Report 2015 (re Latimer Road), the Oxford Gardens Conservation Area Proposals Statement, together with extracts from the Peter Brett Associates report on employment land and from the 2004 Open Space Audit.

The Qualifying Body and the Designated Area

1.13 The St Quintin and Woodlands Neighbourhood Forum is the designated qualifying body for the geographical area that is the neighbourhood plan area. The Council designated the Forum and Neighbourhood Area in July 2013. The designated area is made up of parts of two wards, Dalgarno and St Helens and is shown at Map 1 of the Neighbourhood Plan. There is no other neighbourhood development plan for this area.

The Neighbourhood Plan Area

1.14 The plan area comprises some 42 hectares with about 1,700 households, located in the north of the borough; a locality bounded by Westway (an elevated urban motorway) to the south, the west London line to the west, Dalgarno Gardens to the north and St Mark's Road to the east. The plan area is surrounded by three of London's Opportunity Areas, where large-scale, often intensive, development is encouraged.

1.15 The area is a densely developed part of inner London, characterized by the Edwardian red-brick terraced housing of the St Quintin Estate, which forms a significant part of the plan area. The majority of the plan area falls within the Oxford Gardens Conservation Area. Parts of Latimer Road (on the western boundary) falls within an Employment Zone; there are thee small shopping parades, together with some local schools, churches, community and health facilities.

2. Neighbourhood Plan preparation and public consultation

2.1 The Forum grew out the work of the St Helens Residents Association, formed in 2008. This swiftly found its activities dominated by local planning issues, which in turn led to the exploration of the possibilities afforded by neighbourhood planning and, subsequently, an application for designation in April 2012. At that time the proposed neighbourhood area included a part of the neighbouring borough, which was subsequently dropped.

2.2 The inaugural meeting of the Forum took place in June 2013. Ahead of this some 2,000 leaflets had been delivered to local households and businesses; preparation of the plan began in earnest. To raise awareness of the process and settle the boundary, material was posted on the Forum website, posters put up in local shops and cafes, supported by coverage in the local press and in some national publications (Planning). The Neighbourhood Forum and the Neighbourhood Area were designated by the Council in July 2013.

2.3 The neighbourhood plan's preparation has been marked by a reasonably extensive public consultation process, which is described fully in the Consultation Statement and the accompanying Annexe. The Forum's programme of community engagement included Drop-in sessions and a specific session on the future of Latimer Road in February 2014. Open meetings, usually in St Helen's Church hall were felt to be the most helpful – a total of 9 open Forum meetings were held over 2013/15. Attendance varied from 40-80 local residents and businesses.

2.4 The primary means of establishing local aspirations was a Residents Survey, distributed to those in the plan area and environs. Some 2,000 copies were

delivered locally; 100 responses were generated. The survey was an eight page questionnaire, with a brief explanation of the process together with questions under seven main headings (transport, shopping, parks, healthcare, education, conservation and development).

2.5 Plan preparation developed and a first draft was discussed with RBKC in June 2014, published on the Forum website and notified locally by newsletter. In October 2014 RBKC sent a set of detailed comments on the plan, highlighting areas of disagreement. In passing, I would observe that officers have clearly been supportive in assisting the Forum on drafting, though a number of significant differences remained on certain policy matters.

2.6 A Health Check was undertaken, by Mr Lockhart-Mummery QC, on the November 2014 version of the plan. This was followed by revisions so that a pre-submission consultation took place over December 2014 and January 2015, a full 8 weeks, to allow for the break. A four page leaflet explaining the 12 policies was distributed to all 1,700 households as well as to registered owners of all businesses in Latimer Road. Landowners of the three "backland" areas (proposed as Local Green Space) were also contacted. The Annexe sets out the representations and the Forum's response or comment. RBKC provided extensive feedback. A total of 90 respondents submitted comments or some form of representation.

2.7 The Forum have provided feedback to the local community by a monthly newsletter, circulated to all members of the St Helens RA and Forum combined mailing lists. The Forum website is also updated regularly. The full results of the Resident Survey (100+ responses) have been available since March 2014.

Environmental Assessment and EU Directives

2.8 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC SEA is required of plans and programmes which "determine the use of small areas at a local level". The Council is the "responsible authority" and must determine whether the plan is likely to have significant environmental effects. They determined that the plan would not have such effects.

European Sites and the Habitats Directive

2.9 From the context and submitted material, I have concluded that the plan would not be likely to have a significant effect on a European Site.

Examination version – public consultation

2.10 The Draft Plan was submitted to the Council in May 2015. The Council subsequently published the Draft Plan, and all supporting documents, for a final period of public consultation, which closed on July 16th 2015. This version of the plan contained two new policies (4b and 4c), which had not been consulted on by the Forum, and the wording of some policies had changed since the previous consultation conducted by the Forum.

2.11 The Council published the final version on the website and notified all statutory consultees. Copies of all the submitted documents were put in libraries for public viewing. In addition an email was sent to the local database of parties interested in planning matters and consultation was announced via the weekly planning bulletin sent by email.

2.12 A total of 59 representations were made (61 in all but including two by the Council – I have taken as one - and one by the Forum). Some had no substantive comments, some were supportive and some were focused on objecting to a specific issue or site. A number of the representations raised issues that I considered required clarification or oral evidence. I decided to hold a public hearing on selected topics, which formed the agenda for the session: These ranged around the strategic policies of the development plan, policies and proposals for Latimer Road, Nursery Lane (proposed Local Green Space) and a general point on the conservation policies.

2.13 The Forum and Council continued to discuss drafting amendments to the plan up to the hearing and published a tracked changes version of the plan on their websites. I have found this a most helpful approach and treated it as set of recommendations to me. For convenience, I have used this tracked-changed version as the basis of my recommendations on the plan.

Human Rights

2.14 I have no reason to believe that making the plan breaches or is incompatible with the European Convention on Human Rights.

Plan period

2.15 The neighbourhood development plan states clearly on the cover and in the introduction (para 0.1.27), under the heading Duration, that the plan covers the period 2015-2030; though this is not co-terminus with the London Plan (2031) nor the Consolidated Local Plan, which runs to 2028.

3. The Neighbourhood Plan in its planning and local context

National policies and advice

3.1 The neighbourhood development plan (NDP) must have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development (the first two basic Conditions). Paragraph 16 of the National Planning Policy Framework (the Framework) is concerned with neighbourhood planning: "The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- "*develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;"*

3.2 The Statement of Basic Conditions sets out in section 3 how the Forum considers that the plan meets the relevant Framework policies; and elsewhere (3.11,4.3, 7.1, 2) refers to the national Planning Practice Guidance (the Guidance). While I am satisfied that the making of the plan supports the achievement of sustainable development and is positively prepared, I found that in a number of instances it has not had sufficient regard to the Framework or the Guidance, especially in relation to clarity, and - in relation to the principal allocations – supporting evidence and

deliverability. I will pick up these instances as I report on each part of the plan.

The Development Plan - strategic policies

3.3 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The Development Plan for the plan area comprises the London Plan together with the Consolidated Local Plan (July 2015).

3.4 The Statement of Basic Conditions sets out, in section 5, what the Forum considers to be the relevant strategic policies. However, much of the Statement is concerned with airing the Forum's differences of opinion with the Council. I have not found much of this helpful.

3.5 I note that the Council have made a statement that the neighbourhood plan is not in general conformity with certain policies. I have also had regard to the Council's approach to defining strategic policies, which I do not support; the most appropriate source is the Guidance (particularly para 41-076).

3.6 I have taken the London Plan policies as generally strategic, though none are directly relevant to the plan's policies. I have concluded that the only relevant strategic policy of the development plan for the plan's policies is Local Plan Policy CF5 in relation to Employment Zones. I have not taken into account emerging reviews or proposals; nor have I had regard to historic or informal policy documents in this context.

The Neighbourhood Plan and its objectives

3.7 The purpose of the plan is to provide a long-term plan for the area that is in accordance with the wishes of those living and working in the locality, while recognising the need for sustainable development. The plan has, at 0.5.1, an overall Vision: "To secure the future of a neighbourhood that offers the best features of life in central London, for this and future generations."

3.8 From this vision a set of 11 key Objectives are developed dealing with the policy themes that the plan is concerned with: Keeping life local; Conservation; Environment; Open Space; Transport; Safety and tranquility; Shopping; Latimer Road; Employment; Housing; and Health and education.

Policies and "Actions"

3.9 One of the issues raised by the plan concerns the presence among the policy sections of recommendations – identified as Actions - which are not land use policies but are concerned with related actions that the plan advocates be taken, or views that parties should take on board, usually by the Council or some other agency. The Guidance suggests that these be identifiably separate. The plan, however, makes quite clear the status of these recommendations (at 0.1.22-26) and, on balance, I find that the Actions do not undermine the plan's conformity with the Basic Conditions and represent an important expression of the local community's views.

Policy drafting – general comments

3.10 The plan has to be commended for its articulation of the local community's concerns and aspirations. This comes across from the Forum's engagement with local people, as set out in the Consultation Statement, and the way that those concerns and

aspirations are translated into the text of the plan itself.

3.11 Annexe D to the plan is a most helpful section, which sets out the local community's priorities for spending the Community Infrastructure Levy. **I recommend** that this section be included as a main chapter in the plan itself.

3.12 The drafting of the majority of policies, however, raises the issue of the need for greater clarity; while the main allocations concern the extent to which there is appropriate evidence to support those policies. Also, there is some unnecessary or extraneous text that will become redundant should the plan pass examination and referendum, as well as some factual inaccuracies.

3.13 As noted in my report earlier (at 2.13) I have found the modifications found in the tracked changed version of the plan most helpful; I intend to adopt them as the basis for my own modifications, in order to achieve clarity and to meet the Basic Conditions.

3.14 I therefore **recommend** that in relation to the introductory chapter of the plan (paragraphs with the prefix 0) that the plan be modified as per the changes shown in the tracked changes version of the plan. As for the changes shown in the remaining chapter, I pick these up as I progress through each section of my report.

3.15 The presentation of policies could be clearer. All are prefixed by StQW and all policies in a given section by the number of that section and then the different policies under that topic are sub-referenced a), b), c) etc: E.g. StQW5a). **I recommend** that <u>all</u> policies are more clearly identifiable and separated with a clear numbering system e.g. renumber the first Transport policy - StQW5a) – as T1. The next, StQW5b), would be T2 and so on. Shopping would be S1, S2 etc; Open spaces OS1, OS2 and so on.

3.16 In a number of instances there is insufficient clarity to enable the policy to do the development management job it is intended to do; or to have due regard to Guidance and I pick these up as I go though the plan's policies. For example, para 042 of the Guidance explains that:

"*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."*

3.17 Also, in relation to allocations, there has to be evidence to support the particular policy, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community; again, I pick these up at the relevant policy sections. Paragraph 040 of the Guidance includes:

"*While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order."*

Minor drafting errors

3.18 A number of representations have helpfully pointed out some factual errors, e.g. OPDC letter of 1st July 2015 and RBKC representations. **I recommend** that such errors be corrected.

Conclusions

3.19 Overall, I consider that the plan to be positively prepared, supportive of strategic development (subject to certain modifications) and promotes sustainable development.

4. **Keeping life local**

4.1 This section of the plan deals with the objective of keeping the plan area an attractive place to live and work, for families and individuals from current and future generations.

4.2 **Policy StQW1** is expressed in fairly strategic terms, deals with ensuring the neighbourhood remains a strong and sustainable part of inner London. While it will have limited application in development management terms, there is no need to improve clarity in order to achieve effective operation of the policy.

4.3 The Actions, which follow the policy, can remain as they stand.

5. Conservation

5.1 The greater part of the plan area is within the Oxford Gardens Conservation Area (CA). The supporting text, Map 2 and the material in Annexe B to the plan – in addition to the Basic Conditions Statement - explain how the CA is not of uniform character and, in fact, includes two areas with distinctive characteristics: the Edwardian red-brick terraces of the original St Quintin Estate (built around 1905-10); and the "railway cottage" estate (built 1919-26).

5.2 The policies for conservation and design in the neighbourhood plan have two purposes: to fine-tune Council policies, to suit the local house types; and to establish local "ground-rules" on some issues not covered by Council policy. The policies are therefore conceived as varying, or amending, Council policy. However, the plan needs to stand on its own. I note that the Council do not consider that these are strategic.

5.3 The objective for conservation (Objective 2) is to fine tune conservation policies for the neighbourhood, to protect heritage while reflecting contemporary lifestyles and making best use of existing stock. The aim, very general terms, is to continue to protect the appearance of the front of houses, while allowing some more freedom at the rear (para 2.2.4). The policies do this by reference to Council policies, to types of properties (or all/parts of streets) and the use of Article 4 Directions. This requires precision in application, which is why much detail is set out in Annexe B.

5.4 The drafting has been the subject of much discussion with the Council. In particular the role and status of the Oxford Gardens Conservation Area Proposals Statement has proved contentious between Forum and Council – especially around the issue of

whether it is still "policy" or not. I have not found the discussion helpful or relevant to my examination. The document contains very helpful contextual material, however. The Council is updating the CA appraisal and has held back publication pending the making of the neighbourhood plan, which will be used to inform the new document.

5.5 There are eight policies. The Council was initially concerned about their duty to preserve or enhance the conservation area; and for evidence that the policies would not harm the CA, in order to provide the assurances that Historic England required, in order to support the plan. The Council and Forum continued to discuss drafting, which resulted in an agreed set of proposals to present to me.

5.6 This part of the plan is expressed as "variations" to Council policy. While a valid expression of the local community's aspirations, and consistent with what neighbourhood plans are empowered to do, the plan does, however, need to stand on its own and not be set in relation to other sets of policies, as far as they can be. The Objective needs to be modified to do this. Also, the policies themselves require modification to ensure clarity, to meet the Basic Conditions.

5.7 **I recommend** that Objective 2 be modified as follows: Delete the words "Fine tune" and replace with the words: "To clarify locally specific …. "

5.8 I **recommend** that in relation to the policies, the minor modifications follow the tracked changes made by the Forum and Council (see 2.13 of this report). I also recommend that the policies be distinct and re-labelled CD1, CD2 or similar.

5.9 **I recommend** that policy 2c) be deleted as this is simply a statement of the status quo. The substance of the text can remain, suitably amended, as a statement that perhaps as an Action.

5.10 In addition, in relation to 2d), I recommend the following modification, by deletion of the final text: *to resist the introduction of non-permeable surfaces to front garden areas (above size limits with in Permitted Development rights) other than for the replacement of existing main paths ~~or where approved hard standing for parking and crossovers is already in place~~,* as agreed by the Forum and the Council.

5.11 Similarly, **I recommend** that the supporting text be modified as per the tracked changes version.

6. Environment

6.1 This chapter of the plan is concerned with the objective of protecting the environmental quality of the neighbourhood's wide streets and public realm including views within and from the conservation area.

6.2 There are four policies to achieve this objective, all under one overall policy heading StQW3. All these components meet the Basic Conditions, subject to minor wording changes to ensure clarity.

6.3 **I recommend** the following modifications: both 3a) and 3b) to be re-labelled; and insert the words *has adverse* between *development* and *impacts* in the first line of each.

7. Open spaces

7.1 Objective 4 is to protect and enhance the area's open spaces, gardens and trees, both private and public, bringing "backland" green areas into community use where ownership permits. At the heart of this part of the plan is the designation of three sites as Local Green Space. The designation of the Nursery Lane site as a Local Green Space (LGS) was one of the most contentious aspects of the plan.

7.2 The plan's Annexe C contains the justification to these designations, which are made in the context of the ability to so designate, as explained in paragraph 76 of the Framework; though the Glossary contains no definition of Local Green Space. However, the Framework refers to both green areas as well as open space (providing a definition for the latter, to which I was directed by the site's promoters but found only partially helpful in the context of the wider scope of LGS in the body of in the Framework itself).

7.3 The Framework (at paragraph 77) sets out the three conditions for designation, explaining that such designations will not be appropriate for most green areas or open space. Two of the factors (first and third bullet points) are that the space should be reasonably close to the community it serves; and that the green area be local in character and not a large tract of land. All three proposed sites meet these two conditions. All designations must meet all three conditions.

7.4 The remaining condition has two parts: where the green area is demonstrably special to a local community; and that it holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife. The list is clearly illustrative.

7.5 The three sites are the remnants of "backlands" that formed part of the original estate layout. They are referred to in the CA Proposals Statements (which have their origins in the 1970s), have been referred to in planning appeal decisions (as open spaces to be protected from development) and are identified in the Consolidated Local Plan map on page 216 as "Garden Squares or other green spaces". The Council considers that adopted plan Policy CR5 (which protects open spaces) applies to all three sites.

7.6 From my consideration of the evidence, the representations made and my own inspections, I have concluded that the West London Bowling Club and the Methodist site (sites 1 and 3 on Map 3) meet the three conditions and can be supported as designations.

7.7 The Nursery Lane site was the subject of significant interest, extensive representations and one of the principal topics of the public hearing. Nursery Lane was in horticultural use, recently ceased, which could continue with or without designation.

7.8 The key question was whether the site met the second condition. The case was made for the owners and their development partners that the use was essentially a commercial operation, on what is akin to previously developed land, was not identified in the 2004 Audit and that it could not meet the elements of the second condition – beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife.

7.9 In the extensive written representations and orally each element of its alleged significance was rebutted as not applicable to the site. I don't repeat here the detail of the cases made in writing or orally at the hearing; for example, that it failed to gain listing as an Asset of Community Value also pointed to its lack of significance. The point was made that local people were really opposed to a recent planning application not the value of the space itself. It was not demonstrably special.

7.10 The local community disagreed. The Forum and others pointed to the history of the site, which was originally in recreational use during the 1950s and early 60s, which later became horticultural without the need for planning permission (being within the definition of agriculture). I do not regard the site as previously developed land. The southern part of the original site has, however, been developed for social housing.

7.11 The Forum and others pointed to previous housing proposals and the recognition of the site's status as open space in an appeal decision. They pointed to the long history of local opposition to its development, most recently, the Petition against housing, which attracted over 2,500 signatures (which triggered a debate in Full Council) – the application has since been withdrawn. They pointed out the significant number of representations, particularly from those in the site's vicinity, to retain the site as green/open space.

7.11 I find the site to be a tranquil green space where a significant number of households have a direct view of it. Many of the many of representations made positive statements about its value to them. The Consultation Statement Annexe records the wildlife and birds that have been recorded, listing the species. The site contains a number of substantial trees, including beech and weeping willows and dense boundary vegetation. The general impression is of a green space that, nevertheless, in parts, has been tipped and strewn with rubbish, as well as the remains of horticultural activity.

7.10 I find that the backlands have historical significance and have been accepted as a feature of the Conservation Area at least since the original publication of the Conservation Area Proposals Statement (1970's), at the 1982 planning appeal and by Historic England in their recent representations on the plan's policies and proposals: "… *we consider that a case has been made for the policies that seek to conserve the backland sites as open space*."

7.11 Overall, I conclude that from the content of the evidence in Annexe C, from the substance of the significant number of representations in favour of the designation and my own site visits, that the site is indeed demonstrably special to the local community; and that it holds a particular local significance for them. It also meets the other two criteria. I therefore conclude that the designation of the Nursery Lane site as Local Green Space meets the Basic Conditions.

7.13 **I recommend** that for greater clarity**,** Policy StQW 4a be re-labelled LGS1 (or similar) and be cross-referenced to Map 3, in the following way:

- Delete the words "pieces of land" and substitute with "sites, as shown on Map 3"; and identify Site 2 as Nursery Lane on Map 3.

7.14 **I recommend** the whole of Policy 4b be deleted. In the light of the designation of the three sites as Local Green Space this policy is unnecessary, as they will enjoy a high level of protection from development.

7.15 **I recommend** that Policy 4d) be deleted. This policy duplicates its equivalent in the development plan. The local community's views can still be expressed by converting the policy to an Action.

8. Transport

8.1 Objective 5 deals with transport and accessibility issues. The objective is to reduce traffic queues, noise and disturbance in the neighbourhood and improve access to public transport and pedestrian/cycle connectivity to the south and west. The opening sentence of this section acknowledges the limits to which land use policies and proposals can achieve this. Given this reality the material that follows is arguably too long but nevertheless expresses clearly local views on current conditions and aspirations for relief.

8.2 The Council claimed that the (un-numbered) map (on page 37) showing public transport accessibility in the area was wrong. The Forum and Council could not agree on a correct one; though the supporting text provides an adequate description. **I recommend** it be deleted.

8.3 There are four draft policies on transport: The first (5a) promotes a new Overground Station, which is essentially a piece of advocacy. The second (5b) allocates a site for infrastructure at Latimer Road/Westway. The third (5c) advocates more tranquil streets, complementing an adopted development plan policy. The last (5d) concerns impact traffic impacts from significant development on the Conservation Area.

8.4 **I recommend** that Policy 5a be deleted and replaced as an Action, as it is not a land use policy.

8.5 **I recommend** the following modification to 5b, to achieve clarity and so meet the Basic Conditions, in that the allocation is only justifiable if the two schemes are to be implemented by the relevant agencies:

- replace the words "related to" in the first sentence with "conditional on"
- add "proceeding" after "Superhighway"
- delete "and" after that word; and add "as well as";
- delete "potential"; add "if required" at the end of the policy.
- Western Circus should be correctly named Westway Circus

8.6 The plan policy (CR1) referenced in Policy 5c is in fact related to new streets and links and new developments, to ensure a well connected, inclusive and legible network of streets in the borough, not "tranquility" as such. What this draft policy is really concerned with is explained in the justification – a fear that the historic north-south route under Westway might be reconnected, bring in new traffic. This is an advocacy point, not a land use policy, and should therefore be better expressed as an Action. **I recommend** Policy 5c be deleted; it can be rephrased as an Action.

8.7 Policy 5d is a local expression of parts of Local Plan policy CT1 and can remain as meeting the Basic Conditions.

9. Safety and tranquility

9.1 Objective 6 is concerned with maintaining safety, security and tranquility in the area, contributing to a continued low level of burglary and street crime. There are no policies, so **I recommend** that the red text at STQW 6 be deleted.

10. Shopping

10.1 Objective 7 is to safeguard the commercial viability of the shopping parades as sources of local convenience shops and services that residents need. There are three local parades in the plan area – shown on an unnumbered map on page 49 - and while the Local Plan resists the loss of A1 retail uses in neighbourhood centres, the plan is concerned with the effects of vacancies. Consequently, the plan promotes a greater degree of flexibility on changes of use and promotes revisions to the Use Classes Order.

10.2 However, the plan is a bit weak on the evidence to support the new approach; will greater flexibility bring about greater viability and thus reduce vacancies? I am not wholly convinced but I am prepared to give the plan-makers the benefit of the doubt, as the approach is a reasonably well-argued one. And the plan has positive ideas about the future, especially of the St Helens Gardens parade.

10.3 The text (7.4.4) acknowledges the limitations of land use policy. The same paragraph explains the objectives well (… to improve the viability of local shopping parades and improve their physical environment…), and could be better employed among the introductory paragraphs.

10.6 The current mapping is inadequate to enable the proper application of the policy and so **I recommend** that the policy contains either a cross-reference to the clear maps in chapter 42 of the Consolidated Local Plan or reproduces them (with the Council's permission) and gives them a number.

11. Latimer Road

11.1 Objective 8 is to regenerate Latimer Road as a successful mixed use street, combining commercial and housing use, keeping buildings occupied and in active use, and restoring its original street form. The plan's policies and proposals for this street proved to be one of the most contentious areas of divergence with the Council. Essentially the plan seeks to de-designate the parts of the street that are designated an Employment Zone in the Local Plan, to allow changes of use to residential in commercial buildings above mezzanine level and to allocate a stretch of the street for housing (above commercial lower floors).

11.2 Parts of Latimer Road – much of the west side and limited parts of the east - lie within the Freston Road Employment Zone, one of three such zones in the borough. The zone is bisected by the Westway motorway so that Latimer Road is somewhat detached from the main centre of employment, to the south of it. Indeed, the western side was originally part of the neighbouring borough until the mid 1990s.

11.3 This western side is characterised by two types of commercial development – the southern section comprising five sets of mainly purpose built offices; and Units 1-14, to the north, which are two storey light industrial/warehouse units more typical of a suburban industrial estate. The eastern side has a few commercial buildings at the southern end; though the remaining two groups are barely evident on the street. The

locations covered by the Zone are shown on Map 5.

11.4 The plan's approach to regenerating the street is informed by three main drivers:

- A conviction that the Council's policies for the street are not proving successful in their own terms – in retaining B1 space in active use - which is underpinned by concerns over the viability of the current uses;

- A concern that the street is not offering what either employees or local residents want – places to eat at lunchtime, in the evening, meet for coffee, and generally socialize; and

- A need for more housing. The plan saw potential in both introducing mixed use into the upper floors of existing buildings and in redeveloped Units 1-14 (essentially "above" a reprovided commercial content).

11.5 The aim of the plan is to limit any loss of employment while achieving a vibrant mixed-use creative quarter. The Forum considered the viability of continuing employment uses to be questionable in many cases. However, I found the evidence they relied on to be unconvincing. Given the late publication of the viability report from Frost Meadowcroft on Latimer Road (which is referenced in the Basic Conditions Statement), I invited further comment – but not evidence – at the hearing.

11.6. The Council takes the very firm position that Policy CF5, which protects employment uses in Employment Zones, is a strategic policy and that the neighbourhood plan cannot de–designate it. That would not meet the Basic Conditions. The Council consequently could not certify that the plan was in general conformity with the development plan.

11.7 While, in principle, it is possible for a neighbourhood plan to de-designate policy areas I agree with the Council that in this case it would undermine an important strategic policy. The borough has only three such zones and much of the employment stock is under significant pressure to change to residential, given the disparity in values. In addition, the viability evidence does not suggest to me that the continuing employment uses in this part of the zone are not viable.

11.8 However, the plan's proposals for the redevelopment of Units 1-14 seemed to me to have much merit and I conclude could be pursued without undermining the policies for the Employment Zone, so long as the amount of business floorspace was replaced. The current space is already going though a transformation from low-density storage and light industry to more intensive creative space, which would be better accommodated in more suitable buildings.

11.9 The character of the street would be improved, in my view, by the plan's policies allowing taller buildings and with a degree of variety to active uses at ground level. The introduction of more housing is a positive expression of the plan's aim of promoting sustainable development. I saw that the redevelopment of 290-294 achieved an acceptable mix of residential and commercial uses, while improving the quality of the street; this, together with the general evidence on viability, suggests that mixed-use redevelopments of Units 1-14 are deliverable.

11.10 I concluded that the plan's allocation of Units 1-14 for mixed use, involving both commercial uses on the lower floor(s) with housing above would not undermine the Employment Zone and would be in general conformity with strategic policies in the

development plan and so met the Basic Conditions.

11.11 The plan has five policies for Latimer Road (albeit expressed as five parts of one policy – see my earlier recommendation for separating and re-numbering). In the light of my conclusions above, **I recommend** the following modifications, to meet the Basic Conditions:

- That policy 8a be deleted; and
- That in policy 8b:
    - Delete "of existing and", replace by "in"; and
    - Insert the words "at Units 1-14" before "Latimer Road", deleting the preceding word "in".

12. Employment

12.1 Objective 9 is to maintain and where possible increase employment opportunities in the area.

12.2 The local consultations supported the vision that retains employment and economic activity across the neighbourhood. The plan notes that a significant number of residents are self-employed and that many professionals work from home.

12.3 There are two policies: encouraging increased employment in Latimer Road; and creating new employment opportunities in the shopping parades. Both are laudable and meet the Basic Conditions. **I recommend** that they be modified only as to changing the policy cross-references, in the light of earlier changes.

12.4 However, I don't see the need for this section as a stand-alone chapter and so **I recommend** that this section and its policies be re-distributed to the Latimer Road and Shopping chapters respectively.

13. Housing

13.1 Objective 10 is to contribute to the borough's housing targets and seek out opportunities for building housing affordable to younger generations. Affordability is a very significant issue locally. And given the dense nature of this inner London area, suitable locations for new housing are hard to find. Nevertheless, the plan contains an options appraisal of four sites, using 16 criteria; as well as estimates of the (modest) gains that these sites could yield to housing in the plan area.

13.2 The plan allocates three of the sites: Latimer Road, Crowthorne Road and 142a Highlever Road. Nursery Lane was dismissed in view of its proposed designation as Local Green Space. The plan's policies duly deal with the three allocations, which are shown on (an un-numbered) plan on page 74. Given the importance of this map it needs numbering (and would benefit from being larger). The policy text mixes justification with the policy allocation itself; this is unnecessary.

13.3 The Latimer Road allocation – Units 1-14 - complements the plan's proposals for that area and I have supported it already. While no specific viability evidence was put forward to support the allocation per se, or appraisal carried out in accordance with the Guidance, the viability evidence generally, on housing and commercial values

suggested that it would be viable.

13.4 Crowthorne Road is a vacant commercial building at the southern end of the plan area. A recent application for mixed use was refused by the Council on specific grounds; they do not oppose the allocation, however. I would not regard the development of this site for mainly housing as undermining a strategic policy of the development plan, in the same way as de-designating a significant part of an Employment Zone. The site is one the local community sees as one with clear potential for housing and can be supported. I agree.

13.5 The policy, however, envisages the housing development re-providing some employment space as well as meeting Local Plan affordable housing targets. The reason for the 30% employment content in the policy is that it reflects what has been offered in the past and more recent pre-app advice; yet, no affordable housing has been offered in the past. There is thus insufficient justification for the land-use split and there is no evidence to support the viability of this policy given the obligations being imposed. The allocation cannot, in my view, meet the Basic Conditions. However, the plan can still state the aspirations for this site in the Actions.

13.5 142A Highlever Road is a small backland site used as a motor workshop, with lock-up garages and some petrol pumps; none in good condition. It is owned and operated by a couple who have confirmed they are near to retirement and that it will be available for development within the next five years. Given its location in a residential area it is clearly suitable for housing. Again, I don't see that the gain of this site to housing would undermine a strategic employment policy.

13.6 **I recommend**, in the light of my findings above, that to meet the Basic Conditions, the following modifications are necessary:

- Delete Policy stQW10a) and replace the same (or similar) intention as an Action; and

- Delete all text in 10b after Highlever Road.

14. Health and Education

14.1 Objective 11 seeks to protect local education, health and community facilities from commercial development pressures. The plan notes that the plan area is not well endowed with local community facilities; some have been lost and others remain under perceived threat. The relevant facilities are shown on map 6.

14.2 Given the perceived threat to the St Quintin Health Centre (site 7 and shown on an un-numbered map on page 76; and is also identifiable on the Local Plan map at page 152 of that document) the plan proposes a specific policy to protect it (11a) but also to govern replacement health services in the event of the site's redevelopment.

14.3 The Local Plan Policy CK1c currently does the same job as this policy, as the reasoned justification acknowledges. There is no purpose served, therefore, in duplicating this in the neighbourhood plan. However, it is clearly a local issue of some concern, which the community wish to highlight. I therefore **recommend** that the drafting of the two policies be combined into an advocacy statement that can be included as an Action.

15 Conclusions

15.1 The plan is marked, to some degree, by the strong differences of opinion between the Forum and Council as to the way the local community should express their view of the future in their local neighbourhood plan. The Forum tends to see the plan as a way of varying, amending, providing flexibility to, de-designating etc the Council's policies. The neighbourhood plan, however, must stand on its own, even where it may have implications for Council policy. I have examined it on that basis. Their differences as to how the plan is to be used and its weight is not within my remit.

15.2 There is a sense, from the Council's representations and the Forum's responses, that there is a reluctance to let the local community shape the future of their area to the degree they wish to – Latimer Road being a case in point. But the Framework (para 183-4) explains that neighbourhood planning gives local communities "… *direct power to develop a shared vision for their neighbourhood … Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community*." This is a new process and can feel uncomfortable. Nevertheless, Council officers have clearly endeavored to be as helpful as possible in providing feedback to the Forum, and in providing drafting suggestions.

15.3 I congratulate the Forum and its volunteers for all the hard work that has clearly gone into the drafting of the plan. It is a considerable achievement. And my thanks to both Forum and Council officers for the support in making the examination (and the hearing in particular) so smooth; and for the progress made on further modifications.

15.4 From my examination of the submitted St Quintin and Woodlands Neighbourhood Plan and its supporting documents, including all the representations made, I have concluded that, subject to the text and policy modifications I have recommended, making of the plan will meet the Basic Conditions. In summary they are that it must:

- Have due regard to national policies and advice;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan; and
- Not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

15.5 I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body - the St Quintin & Woodlands Neighbourhood Forum;
- The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
- The plan does not relate to "excluded development";
- The plan specifies the period to which it has effect – to 2030; and

- The policies relate to the development and use of land for a designated neighbourhood area.

15.6. I recommend that, once modified to meet the Basic Conditions, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.

15.7 In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the Neighbourhood Plan area.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

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26 October 2015

Annex

It is not my role to improve what is already a well-presented document. The recommended modifications in my report are made in the context of the plan meeting the Basic Conditions. However, it may well help the finalisation of the plan if I offer my suggestions as to how it's usability be improved further, both in its structure and detailed presentation:

1. The use of the document would be aided by the use of numbering of chapter and main sub-headings throughout. At present the plan starts at para 0.0.1; I would suggest Chapter 1 (give heading) and then 1.1 Context, followed by para 1.1.1, 1.1.2 etc.

2. Generally, all maps should have a number, if they are significant – like the housing allocations on page 74; a notation such as Fig 1, 2 etc would suit other maps and photographs.

3. Some parts are still too long – see Health Check. I would suggest that unnecessary text is removed prior to Referendum.