

T: 0203 897 6700  
 M: 07496 611110  
 The Stanley Building, 7 Pancras  
 Square, London, NIC 4AG  
 mp@powerhausconsultancy.co.uk  
 www.powerhausconsultancy.co.uk



**PowerHaus**  
 Consultancy

D. Cardy Esq  
 Planning Inspectorate  
 3C Temple Quay House  
 2 The Square  
 Bristol, BS1 6PN

**Date:** 9<sup>th</sup> November 2020  
**Your Ref:** APP/L5810/W/19/3242694 and APP/L5810/W/19/3242696  
**Our Ref:** 014

**Via Email:** [west2@planninginspectorate.gov.uk](mailto:west2@planninginspectorate.gov.uk)

Dear Mr Cardy

**Town and Country Planning Act 1990**

**APPEALS BY 4 MANOR ROAD LTD AND LULWORTH HOMES LTD SITE ADDRESS: 4 & 6 MANOR ROAD, TEDDINGTON, TW11 8BG – Response to Pre- Inquiry Note and Draft Agenda**

I write on behalf of the appellants, to respond to correspondence from the Inspectorate dated 11<sup>th</sup> September and also recently confirmed in the Inspector’s Pre-Hearing Note dated 4<sup>th</sup> November 2020 on the following issues:

**1. Housing Land Supply**

- i) Whether the Council currently has a five-year housing land supply (5YHLS);

The Council has recently published an interim housing statement Sept 2020. It concludes applying either the FALP requirement (315dpa) or the Intend to Publish LP (ITP LP) requirement (411 dpa) that it has a 5YHLS.

The appellant does not agree for the following reasons:

Requirement side

- a) FALP was published in March 2015. This is the source of the housing target as the interim housing statement Sept 2020 confirms. Applying the NPPF [73] the strategic policy is now more than 5 years old and so local housing need should be used to determine the HLS. When the ITP LP is published the requirement figure will be taken from the figures in that up to date strategic policy. However, applying footnote 37 the five year HLS calculation should be using the Standard Method (SM) figure as the requirement figure (Lichfields August 2020 SM calculations attached at **Appendix 1**). The SM figure is  $441 \times 5 = 2205$ .
- b) Added to this must be a buffer. Applying NPPF 73 that buffer must be 10% since the Council has to rely on the annual position statement and **not** the 5% as per the interim housing statement Sept 2020, which equates to  $221 + 2205 = 2426$ .

Supply Side

- c) The Council’s published evidence base is entirely historic based on a SHMA 2016 and a SHLAA 2008. It has not yet published its housing trajectory for the 2019/20 period and there is no evidence to demonstrate that there is a deliverable supply of housing sites over the plan period let alone the next five years. Thus, the number identified in its interim

housing statement that the estimated supply over five years of 2208 is neither evidenced, realistic and/or deliverable (Table 5).

ii) Clarification of what 5 year period is being considered;

The Intend to Publish London Plan (Dec 2019) states that the plan period will run from 2019 to 2041 and with regard to a ten year housing land supply between 2019 to 2029 (para 0.0.13). Given the Council knows that the completions figure for the year end 31/3/2020, the correct 5 year period for the purposes of this appeal is 2020 to 2025.

iii) What figures each party considers to be the housing land requirement and supply for this period;

The ITP LP annual minimum target should therefore be  $411 \times 5 + 10\% = 452$  dpa and for the 5YHLS period = 2,260 dwellings between April 2020 to April 2025. This is equivalent to 452 dpa. The SM calculation however is the correct figure to use as set out in a) above which is 2,426 dwellings for the five year period.

The Council in its position statement of 30 September 2020 states that its estimated supply over the five year period is 2,208 dwellings (Table 4). Thus, even on the Council's supply figures, which we do not accept are evidenced as deliverable, the Council do not have a five year housing land supply. However, without a published housing trajectory, it is not possible to assess whether the housing land supply is deliverable (NPPF 2019 Annex 2 definition). The figure of 1,381 is not evidenced at all and appears to include an element of windfalls.

On page 1 of its position statement, the Council says in the ultimate paragraph that its assessment is based on conversations with officers and not with landowners/developers to enable some credibility to be given to the veracity of the housing land supply figures as required by paragraph 74 of the NPPF.

The ITP London Plan at Table 4.2 requires Richmond to deliver 234 dpa on small sites (below 0.25has). The Council has no published evidence of how many units are delivered on small sites. The Council's position statement (September 2020) page 2 relies solely on its windfall allowance which has averaged 177 dpa between 2013/14 to 2019/20, as stating that it will meet the 234 small sites target. This is not realistic or evidenced for the following reasons:

- First, the small sites target is a minimum target and therefore the Council's position is not ambitious or seeking to meet the pressing housing needs.
- The Council is also relying in its position statement on the Government's introduction of additional permitted development rights to consider a higher windfall allowance. This is wholly unrealistic when the Borough has many designated conservation areas such as the appeal site, where these rights are restricted. Table 5 of the Council's September position statement highlights that only 51 units over the 5 year period subject to prior notification approval are allowed for in its estimated supply.
- The windfall allowance and prior approval/permitted development rights cannot therefore make up the shortfall of 57 dpa or 285 dwellings over five years for small sites.

iv) Details of how this has been calculated, including how the method of calculation relates to relevant policy/guidance.

The ITP London Plan makes it clear that its housing numbers are not based on the Government's new standard methodology but on the SHMA 2017 (para 0.0.14). It is one of the reasons that the Secretary of State requires an immediate review of the London Plan.

The ITP London Plan evidence base SHMA 2017 calculated that Richmond's housing needs should be 8,110 over the 10 year period, which was subsequently halved to 4,110 dwellings during examination in light of the constraints of Flood Risk Zone 3, Green Belt and heritage

asset designations. Even on adoption of the new London Plan with a higher 411 dpa housing target, this will not demonstrate that it is positively prepared adequately reflecting current and future demographic trends and market signals as it does not exceed the minimum starting point as required by the NPPF/NPPG.

Lichfields planning consultants, has published calculations of all authorities using the current Standard Methodology (August 2020) as advised in the NPPF/NPPG, attached at **Appendix 1**. For Richmond, Lichfield's calculated that 441 dpa are required using the current standard methodology to meet current housing needs or 4,410 dwellings over 10 years (2,205 dwellings over 5 years) plus 10% = 2,426 dwellings.

2. **Appellant's Position Statement on Draft S106 Agreement/UU's for each Appeal** – A separate statement is attached on behalf of the appellant to confirm the position reached with the Council in seeking to agree legal agreements with the Council for each appeal scheme.
3. **Planning Conditions for Each Appeal** – The appellants and the Council have reached agreement on the draft conditions dated 4 November 2020, which are now attached. The appellants confirm that they are happy to accept the pre-commencement conditions as specified for each appeal, subject to responding to any points that the Inspector may have at the Hearing.
4. **Copies of plan 4707\_3\_62A for Appeal A and 5039-3-117 for Appeal B** – now attached.
5. **Links to Documents/Plans for each separate appeal are as below** –

Appeal A: <https://we.tl/t-8cfiWYFmNK>

Appeal B: <https://we.tl/t-3MHT0imD0o>

Please note the links expire in seven days, we therefore advise downloading the documents and saving them onto your system.

6. **Title Documents/Plans for the appeal site** – these are attached.
7. **Accompanied Site Visit** – The Inspector has raised that access to the appeal site needs to be arranged and I can confirm that this is possible with final dates and timing to be confirmed at the hearing. With regard to third parties inviting the Inspector to visit their properties, the appellant would want to accompany the Inspector to these site visits applying appropriate Covid-19 protection measures.

I trust that this addresses the Inspector's pre-hearing matters on behalf of the appellants.

Yours sincerely



**Mary Power**  
Director  
PowerHaus Consultancy Ltd