

<p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET</b></p> <p align="center"><b>9 JULY 2018</b></p>	
<p><b>WEST KENSINGTON AND GIBBS GREEN NEIGHBOURHOOD PLAN AREA AND FORUM DESIGNATION</b></p>	
<p><b>Report of the Cabinet Member for the Economy and the Arts, Councillor Andrew Jones, and the Cabinet Member for the Environment, Councillor Wesley Harcourt</b></p>	
<p><b>Open Report</b></p>	
<p><b>Classification - For Decision</b></p> <p><b>Key Decision: Yes</b></p>	
<p><b>Consultation</b> Policy &amp; Strategy, Procurement, Risk Management, Legal, Finance, IT, Economic Development, Audit, Fraud Risk and Insurances</p>	
<p><b>Wards Affected:</b> North End</p>	
<p><b>Accountable Director:</b> Jo Rowlands, Strategic Director, Growth and Place</p>	
<p><b>Report Author:</b> Matt Butler, Head of Policy and Spatial Planning</p>	<p><b>Contact Details:</b> Tel: 020 8753 3493 E-mail: matt.butler@lbhf.gov.uk</p>

## **1. EXECUTIVE SUMMARY**

- 1.1. The Council has received an application from the West Kensington and Gibbs Green Community Homes (WKGCH), for: (1) the designation of a neighbourhood area to be known as the West Kensington and Gibbs Green Neighbourhood Area; and (2) the designation of the WKGCH as the neighbourhood forum for this area. The Application can be viewed at Appendix A.
- 1.2. The Council is responsible for deciding whether to designate the entire neighbourhood area as proposed, or a smaller area; and, whether the proposed forum should be granted neighbourhood forum status. The proposed area covers the West Kensington and Gibbs Green housing estates and community facilities. The proposed area boundary can be viewed at Appendix B.

- 1.3. Neighbourhood planning is guided by a range of legislation and national guidance that needs to be considered when deciding applications with the overall objective to support the neighbourhood planning process. The Council has followed the relevant regulations in terms of the process and in reaching the recommendations made in this report.
- 1.4. If the Application is designated, the neighbourhood forum will be able to start work on a neighbourhood development plan for the designated area. This is the earliest stage of the neighbourhood plan process. If a neighbourhood plan becomes adopted, it forms part of the Development Framework and relevant policies within the plan must be considered when determining planning applications within the neighbourhood area.

## **2. RECOMMENDATIONS**

- 2.1. That Cabinet agrees to:
  - designate the proposed area as applied for; and
  - designate the proposed neighbourhood forum.

## **3. REASONS FOR DECISION**

- 3.1. The Council has assessed the application in accordance with national regulation, the relevant law and guidance and has found the proposed area and forum to be considered appropriate for designation.
- 3.2. In summary, the proposed area is considered appropriate for the purposes of a neighbourhood plan. The area is considered cohesive in terms of physical appearance, community facilities and networks of community activity, and has natural boundaries. The decision to designate a neighbourhood planning application is a matter of judgement for the Council and officers consider that the approach followed is appropriate.
- 3.3. The second recommendation is to approve the neighbourhood forum application. It is the Council's responsibility to ensure the relevant conditions (see paragraph 4.23), as set out in the regulations, are satisfied. These include whether the purpose of the proposed forum is established for promoting or improving the social, economic and environmental wellbeing of the area, and has at least 21 individuals who live or work or are elected members in the area. The neighbourhood forum application is considered to meet the conditions.
- 3.4. The report sets out the detail of the decision and the considerations of the recommendations.

## **4. PROPOSAL AND ISSUES**

- 4.1. This section provides an overview of neighbourhood planning and the relevant legislative background, the Council's responsibilities and the issues

considered in making the recommendations in the report. Each of the recommendations will be dealt with separately.

## **NEIGHBOURHOOD PLANNING BACKGROUND**

- 4.2. Neighbourhood planning is a community-led process intended to shape and promote development at a neighbourhood scale and inform Community Infrastructure Level (CIL) spending. Neighbourhood planning was introduced by the Localism Act 2011 which introduced the planning powers and these have been embedded into subsequent legislation, which sets out the role and responsibilities of local planning authorities. Further guidance is also set out in the National Planning Practice Guidance (PPG), as to how to designate an area and forum.
- 4.3. Neighbourhood planning enables organisations and bodies within local communities to apply to be designated as a neighbourhood forum for a specified area. If a forum is designated in relation to an area it can then prepare a neighbourhood development plan and/or neighbourhood development order. Local planning authorities are required to support the process and there are a number of duties the local planning authorities are required to undertake. These include:
  - consulting on a draft version of the neighbourhood plan,
  - organising with the forum independent examination of the draft plan, and
  - setting up a referendum on draft neighbourhood plan (if the recommendation of the examiner is that the plan should proceed to referendum).
- 4.4. The Council must also abide by a number of statutory timescales in relation to the neighbourhood planning process, and these are set out in the Regulations.
- 4.5. Only one neighbourhood area can cover one location and the application will usually be made by an organisation or body that is simultaneously seeking designation as the neighbourhood forum for the relevant area.
- 4.6. Neighbourhood plans can develop planning policies on land use, housing, identify local green spaces, design, and others. The policies must be developed in general conformity with national, regional and local planning policies. In LBHF, any neighbourhood plan would need to be developed in general conformity with the strategic policies in the Local Plan. The Local Plan identifies which policies are considered strategic and non-strategic for the purposes of neighbourhood plan-making.
- 4.7. There are several key stages in producing a neighbourhood plan:
  - **Stage 1:** An organisation or body applies to the local planning authority to be designated as the neighbourhood forum for a proposed area.

- **Stage 2:** Once an application is submitted, a public consultation takes place. LBHF planning officers review responses and consider the area and forum applications and put forward a recommendation to the Cabinet.
- **Stage 3:** LBHF's Cabinet consider the recommendation and determine the applications.
- **Stage 4:** If designated, the neighbourhood forum can start production of a neighbourhood plan. The forum must consult on the plan before sending it to the Council for a further consultation and independent public examination.
- **Stage 5:** If found sound at examination the result of the examination is that the draft plan meets the relevant legal requirements the examiner will recommend that the draft plan should proceed to a referendum. The plan will be voted on in the referendum by those residing in the neighbourhood area, organised by the Council. The plan needs a 50% majority of those who vote for it to then be 'made' by the local planning authority. Once made, a neighbourhood plan becomes part of the statutory development plan and its policies must be considered, where relevant, in the determination of planning applications.

## **WKGG NEIGHBOURHOOD AREA APPLICATION**

- 4.8. The WKGG application is at stages 1 - 2 in the process, set out above. The initial starting point in deciding a neighbourhood area is to refer to the Town and Country Planning Act 1990 (Annex 1), which identifies that in determining a neighbourhood area the Council must take account of designating the entire parish council area and any conflicting neighbourhood areas that have already been designated.
- 4.9. The first point is not relevant to the Council, as this is specific to areas where there are parish councils. In terms of the second point, there are no conflicting neighbourhood area boundaries and the Council has not received any subsequent neighbourhood area proposals, either.
- 4.10. Furthermore, the legislation identifies that if, the Council receives a valid application, the area or part of the proposed area is not already designated as a neighbourhood area and the Council is refusing the application as part of the area is not considered appropriate the Council must still ensure that part of the area is still designated.
- 4.11. In response to these criteria:
- officers are satisfied that a valid application has been made to the authority – Appendix A includes all the relevant information required to submit a neighbourhood area (and forum) proposal; and,
  - there are no other existing neighbourhood plan areas designated that conflict with the proposed area boundary.

- 4.12. The Council, therefore, must either designate the entire area, or an area in the proposed boundary. The next step is to consider whether to designate the entire area as proposed in the Application. In considering this, officers have assessed, amongst other things the National Planning Practice guidance (PPG), the policy context and the consultation responses.
- 4.13. The PPG provides guidance to local authorities on how to designate a neighbourhood area. In determining a neighbourhood area designation, the PPG identifies the following considerations to take account of:
- village or settlement boundaries, which could reflect areas of planned expansion
  - the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
  - the area where formal or informal networks of community based groups operate
  - the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
  - whether the area forms all or part of a coherent estate either for businesses or residents
  - whether the area is wholly or predominantly a business area
  - whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
  - the natural setting or features in an area
  - size of the population (living and working) in the area.
- 4.14. The proposed WKGG neighbourhood area application is predominantly residential and encompasses two housing estates, student accommodation, community facilities including the Fulham Boys School, community halls, outdoor amenity space and other local services. The Gibbs Green Estate was built in 1961 and comprises seven medium-rise blocks. The West Kensington Estate was built between 1972-74 and comprises five blocks, low rise flats, maisonettes and terraced houses. The proposed area is bounded on the west, by North End Road, to the south lies Lillie Road, to the east are TfL depot sites and Metropolitan Police Service buildings.
- 4.15. Based on the above factors, the proposed area is considered similar in layout, scale and physical appearance throughout; and, relatively enclosed and self-contained with the surrounding road and rail infrastructure providing natural boundaries. The location of the community facilities and other services are located in proximity to the residences, and the street layout allows ease of movement.
- 4.16. The proposed neighbourhood area forms part of a strategic site designation within our Local Plan, Strategic Policy FRA Fulham Regeneration Area. This area is identified as having potential to provide 7,000 indicative additional homes and 9,000 indicative new jobs. Within FRA is Strategic Site Policy FRA1 Earl's Court and West Kensington Opportunity Area, which the proposed neighbourhood area therefore also forms part of. This opportunity area is recognised in the Mayor's London Plan where it expands into the Royal Borough of Kensington and Chelsea and it is estimated that 6,500

homes and 8,500 jobs could be accommodated within our borough. There is also a planning permission for a large redevelopment and mixed-use scheme which includes the proposed neighbourhood area.

- 4.17. Capital & Counties in their consultation response advise that it is due to the strategic site designation; a land sale agreement; and planning permission that they object to the neighbourhood area application along with the inclusion of parcels of land they consider do not fit with the largely residential character of the proposed area.
- 4.18. The PPG states (in summary) neighbourhood areas can include land allocated in a Local Plan as a strategic site, the planning context and circumstances should be discussed between the local planning authority and group that may inform the Council's decision on the area it will designate.
- 4.19. The PPG also outlines that in determining any neighbourhood area, the planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan.
- 4.20. Officers also understand that any significant works in relation to the housing estates as part of the planning permission for the wider area, have not commenced and we cannot assume that they will. Furthermore, land and property is always subject to possible change in ownership and is not considered sufficient reason to hinder the neighbourhood planning process.
- 4.21. Officers have considered the aims of the proposed neighbourhood forum for the area in the application letter against Local Plan policy FRA1. For this area, FRA1 supports improvement to, which includes potential for renewal and additions to all or parts of the estates. Officers consider these align with the broad aims set out in the Application.

## **PUBLIC CONSULTATION AND RESPONSES**

- 4.22. The Application was subject to a six-week consultation between 17<sup>th</sup> May and 28<sup>th</sup> June 2018. The following engagement activities were undertaken as part of the public consultation:
  - All application and consultation details were made available on the Council's website;
  - Public notices were published in local newspapers;
  - Letters were sent to approximately 850 local addresses within the proposed neighbourhood area boundary;
  - The Application was made available for inspection at the Hammersmith Town Hall, King Street, Hammersmith, W6 9JU
  - Emails were sent out to stakeholder's on LBHF's consultation databases.
- 4.23. In total, the Council received 63 responses as part of the public consultation on the proposed neighbourhood area and forum application. The Council

received comments from residents and a number of statutory bodies in email and in letters. The full schedule of comments can be viewed at Appendix B.

#### Summary of consultation responses

- 4.24. Fifty-seven responses were positive, expressing support to the Application. These comments expressed support to the proposed neighbourhood forum as well as to the proposed area. The views also generally expressed support for producing a neighbourhood plan.
- 4.25. Three objections were received. Two responses did not support the neighbourhood forum designation. They consider it would be a small group representing the views of a larger area. One response did not support the neighbourhood area due to its strategic designation in planning policy; planning permission; land sale agreement; and parcels of land not residential in character.
- 4.26. Three responses did not express any explicit views towards the Application. These were from the statutory bodies; Natural England; Canals and River Trust; and Port of London Authority.

#### **REASONS FOR AREA DESIGNATION**

- 4.27. As identified above, the Council is required to designate an area in response to any neighbourhood area applications. However, the Council has discretion in determining the boundary of the neighbourhood area. Officers have carefully considered, amongst other things, the strategic significance of the proposed area; the character of the area; planning permission; national guidance; and consultations responses.
- 4.28. Following this assessment officers recommend designating the area as proposed: the area is predominantly residential with associated community facilities; it is uniform in character and architectural style; and an enclosed area with natural boundaries and existing social and community networks. The aims of the proposed forum are not considered to be in conflict with the policy context for the site and we cannot assume the current planning permission will be implemented. Further to this, the consultation responses demonstrate a large majority in support of the forum and area designation. For these reasons, officers recommend designating the area as proposed.

#### **WKGG NEIGHBOURHOOD FORUM APPLICATION**

- 4.29. The second aspect of the application is to determine the designation of the neighbourhood forum. In determining this, the Council is required to take into consideration, s.61F(5) of the Town and Country Planning Act 1990(Annex 1) which sets out that the Council may designate an organisation or body if it meets the following criteria:
- If it is formed to promote or improve the social, economic and environmental well-being of the area;

- The membership is open to those that live, work or are elected in the area;
  - The membership includes at least 21 people who live, work or are elected in the area; and
  - Has a written constitution.
- 4.30. The application letter forms the basis for determining whether to grant neighbourhood forum status to the group.
- 4.31. The Application outlines that the WKGGCH is established for furthering the social, economic and environmental wellbeing of people living, or wanting to live, in the area. The Application states the group's aims for the neighbourhood plan, including: improving and managing the existing homes and neighbourhood; prevent the break-up and displacement of a long-established and well-functioning community; and to build additional affordable housing and new community resources sensitively, taking account of residents needs and aspirations, amongst others.
- 4.32. From the application letter, officers can determine that membership is open to all people who live in the proposed area (those that live or are elected in the area can apply for membership to the board, subject to some broad criteria); and the group is currently made up of 585 members, that live across the proposed area. The group has a Board Diversity Policy to encourage diversity and members are from a broad range of ethnic groups. The group also holds public events and activities, have a social media presence, put information up around the area and have a community organiser. The group also held specific public meetings and activities to advertise the neighbourhood plan area and forum application in the local community.
- 4.33. As part of the Application to the Council, the group also included the constitution setting out membership arrangements, decision making processes and powers. Officers have considered the two responses objecting to the forum but consider that the requirements of the Regulations have been met.

## **REASONS FOR FORUM DESIGNATION**

- 4.34. In response to the above, officers consider there is sufficient evidence to designate the proposed group neighbourhood forum status. The group consists of a broad range of members reflecting the residential nature of the area and an inner London ward, holds membership of at least 21 people, and has a written constitution. Furthermore, the aims of the group are considered broadly consistent with the Local Plan policy (SFRA1).

## **5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1. Area designation: the legislation requires local authorities to designate whole or part of neighbourhood plan areas when applied for. Officers' assessment of the area application is that the proposed boundary sits comfortably with the relevant regulations and guidance as detailed in paragraph 4.22 and therefore



have rejected the option of only designating part of the area as this would not be consistent with national guidance.

- 5.2. Forum designation: it is at the Council's discretion to refuse the neighbourhood forum application. Officers consider the neighbourhood forum application meets the relevant legislation criteria and are therefore recommending designation.

## **6. CONSULTATION**

- 6.1. As identified above, the neighbourhood area and forum application were subject to public consultation between 17<sup>th</sup> May and 28<sup>th</sup> June (six weeks). The Council must consult for a minimum of six weeks on any neighbourhood area and forum application.

## **7. EQUALITY IMPLICATIONS**

- 7.1. The Council has given due regard to its responsibilities under Section 149 of the Equality Act 2010 and it is not anticipated that there will be any negative impact on any groups with protected characteristics from the designation of the proposed area and the designation of a neighbourhood forum.
- 7.2. If the proposed neighbourhood forum proceeds, it will be able to develop and produce a neighbourhood plan for the proposed area. Neighbourhood planning requires an array of community involvement throughout the process and ultimately a referendum will need to be organised to determine whether the final plan should be adopted formally by the Council.
- 7.3. Officers will continue to work with the group to ensure they are inclusive and that all members of the community are able to be involved. As part of the application letter, the group provided information on the make-up of the forum and how decisions will be made in the constitution.
- 7.4. Implications completed by Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

## **8. LEGAL IMPLICATIONS**

- 8.1. The Town and Country Act 1990, as amended by Localism Act 2011 sets out the criteria and consideration that every Local Planning Authority must consider in respect of applications to designate neighbourhood areas and neighbourhood forums for the purpose of neighbourhood planning.
- 8.2. Further the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012, (as amended) outline the Council's responsibilities and procedures for the designation of neighbourhood areas and neighbourhood forums.
- 8.3. The body of this report has summarised the criterion and procedures to be followed in accordance with the above-mentioned legislation.

8.4. Implications completed by Poonam Rajput, Solicitor, tel. 020 8753 6378.

## **9. FINANCIAL IMPLICATIONS**

9.1. If a neighbourhood plan becomes adopted, the local authority is required to consult with the community on the use of 25% of the Community Infrastructure Levy (CIL) revenues arising from the development that takes place in their area or can pass the money onto the Neighbourhood forum. Currently, this area has a £Nil CIL.

9.2. The Council can apply for funding from the Ministry of Housing, Communities and Local Government at different points in the process:

- For the first five designated neighbourhood plan areas, the Council can apply for £5,000 per designation. This will be the Council's third such area and should be applied for if the recommendations in this report are agreed.
- For the first five neighbourhood forums designated, the Council can apply for £5,000 per designation. This will be the Council's first such forum and this should be applied for if a suitable neighbourhood forum puts itself forward.

9.3. In order for a neighbourhood plan to be adopted, an Independent Examination and Referendum is required. The Council is required to support these processes and there will be costs to the Council, however the exact costs are not currently clear as this process will be led by the Neighbourhood Forum. Appropriate Cabinet or Cabinet Member approval will be required before these costs are incurred.

9.4. Once a Referendum date has been set, the Council can claim £20,000, which would be used to offset the costs occurred by the Council organising the Examination and Referendum.

9.5. It is expected that the costs relating to consultation and supporting the examination and referendum process would be fully covered by the Government funding set out above. There's a small risk that the Examiner may wish to widen the referendum area. This would be more costly for the Council but Planning Officers have advised that this is unlikely.

9.6. As with any decision of this type there is a risk of it being challenged via an application to the Ombudsman or by judicial review with the Council incurring costs as a result.

9.7. Implications completed by Danny Rochford, Head of Finance Growth & Place, tel. 020 8753 4023.

## **10. IMPLICATIONS FOR BUSINESS**

10.1. Neighbourhood plans are community-led planning policy documents and can cover all land use related matters. Once adopted, neighbourhood plans

ultimately will be used to assess planning applications in the area and can cover all land use related matters, such as housing, retail, open space designation and other matters.

- 10.2. Neighbourhood plans must be developed in general conformity with the strategic policies as set out in the Council's Core Strategy and the London Plan (the Development Framework). The recommended area for designation is predominantly residential and is unlikely to have large employment sites. The scale of any neighbourhood plan policy is unlikely to have a negative impact upon delivering economic development, jobs and growth in the borough.
- 10.3. Social and economic value, including employment and skills opportunities for local residents and supply opportunities for local small and medium size enterprises should be sought via the proposed Neighbourhood Forum and its activities.
- 10.4. Implications completed by Albena Karameros, Economic Development Team, tel. 020 7938 8583.

## **11. COMMERCIAL IMPLICATIONS**

- 13.1 The report seeks to recommend the designation of the proposed area and the designation of the neighbourhood forum.
- 13.2 Under the 1990 Act local planning authorities have a statutory duty to advise and assist in the preparation of neighbourhood development plans. They also have a duty to make arrangements for independent examination of the plan.
- 13.3 Therefore, the Council is required to support these processes and the costs associated with them.
- 13.4 The future procurement of an independent examiner shall follow the Contracts Standing Orders and the Public Contracts Regulations.
- 13.5 Implications completed by Andra Ulianov, Procurement Consultant, tel. 020 8753 2284.

## **12. IT IMPLICATIONS**

- 12.1. There are no IT implications contained within this report.
- 12.2. Implications verified/completed by Quentin Brooks, IT Service Management, tel 020 8753 6214.

## **13. RISK MANAGEMENT**

- 13.1. The proposal contributes positively to the LBHF Vision and Council Priority of Doing things with, not to residents also to the management of our local Community needs and expectations risk. This may also bring additional

improvement to the local natural environment through the forum again positively contributing to the management of environmental risk and meeting our Priority by Taking pride in Hammersmith & Fulham, our residents deserve a place that is safe, clean and green.

13.2. If the recommendations are agreed, the forum would be able to commence work on a neighbourhood plan. If a neighbourhood plan is developed, officers would work closely with the community group to ensure that the neighbourhood plan policies align with those of the council. As a plan progresses, further consultation is required on draft versions of the plan which the council would submit comments and will be subject to an Independent Inspector to ensure the plan meets the legal requirements.

13.3. Implications verified by Michael Sloniowski, Risk Manager tel. 020 8753 2587.

#### **14. OTHER IMPLICATIONS PARAGRAPHS**

14.1. Officers consider all relevant implications have been covered in this report.

#### **15. BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

15.1 None

#### **LIST OF APPENDICES:**

Appendix A: West Kensington and Gibbs Green Community Homes Neighbourhood Area and Forum application

Appendix B: Proposed neighbourhood area boundary

#### **ANNEX:**

Annex 1: Town and Country Planning Act 1990

<https://www.legislation.gov.uk/ukpga/1990/8/contents>