


<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CABINET</p> <p style="text-align: center;">2 SEPTEMBER 2019</p>	
<p style="text-align: center;">AVONMORE, BROOK GREEN AND ADDISON NEIGHBOURHOOD PLAN AREA</p>	
<p style="text-align: center;">Report of the Cabinet Member for the Economy - Councillor Andrew Jones</p>	
<p>Open Report</p>	
<p>Classification - For Decision</p> <p>Key Decision: Yes</p>	
<p>Consultation Policy & Strategy, Procurement, Risk Management, Legal, Finance, IT, Economic Development, Audit, Fraud Risk and Insurances</p>	
<p>Wards Affected: Avonmore, Brook Green and Addison</p>	
<p>Accountable Director: Jo Rowlands, Strategic Director for the Economy</p>	
<p>Report Author: David Gawthorpe, Team Leader Development Planning</p>	<p>Contact Details: Tel: 020 8753 3384 E-mail: david.gawthorpe@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. The Council has received an application from the Avonmore, Brook Green and Addison Neighbourhood Steering group for the designation of a Neighbourhood 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. The proposed area covers the majority of the wards of 'Avonmore and Brooke Green' and 'Addison', with the exception of the area extending west of Shepherds Bush Road. The proposed area boundary can also be viewed at Appendix A.
- 1.3. Neighbourhood planning is guided by a range of legislation and national guidance. The Council has followed the relevant regulations in terms of the process and in reaching the recommendations made in this report.
- 1.4. Having assessed the application, officers are content that the proposed area is appropriate to be designated a Neighbourhood Area.

- 1.5. However, in assessing the application the Council must also be satisfied that the group is capable of being designated as the Neighbourhood Forum for the area.
- 1.6. Officers understand that the Steering Group intends to make a Neighbourhood Forum application, however the Steering Group is not in a position to provide the necessary information to support a Forum application.
- 1.7. The Regulations governing neighbourhood planning require the Council to make a decision on an application within 13-weeks. The Regulations do not allow the Council to defer its decision to allow the Steering Group time to compile the evidence to demonstrate it could be capable of being designated as the Neighbourhood Forum.
- 1.8. The Council is unable to approve the current Neighbourhood Area application, despite the proposed Neighbourhood Area being assessed as being appropriate for designation.
- 1.9. Officers will continue to work with the Steering Group to make a Neighbourhood Forum application, which could then be considered alongside a resubmitted Neighbourhood Area application.

2. RECOMMENDATIONS

- 2.1. This report is recommending Cabinet to:
 - Refuse the Neighbourhood Area application.

3. REASONS FOR DECISION

- 3.1. Officers have assessed the proposed area to be appropriate for designation as a Neighbourhood Area, National Planning Practice Guidance states that the Council must also be satisfied that the group making the Area application is capable of being designated as the Neighbourhood Forum for that area.
- 3.2. The Steering Group has confirmed it is not in a position to satisfy the Council of their ability to be designated as the Neighbourhood Forum. Officers understand the Steering Group are working towards a Forum application, the Regulations do not allow the Council discretion to defer a decision on this application to await the Forum application. Rather, the Regulations state that the Council must make a decision on the current application and within the specified 13-week period.
- 3.3. Considering the above, the Council has no option available to it but to refuse the current Neighbourhood Area application.

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 recommendation in the report.

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 that have been embedded into subsequent legislation and set 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
 - running 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. In respect of a neighbourhood area application, the Regulations specify that the Council must determine the application within 13 weeks of public notification. There is no provision in the Regulations to defer a decision.
- 4.5. Only one neighbourhood area can cover one location and the application will usually (but not in this case) 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 and to designate a proposed neighbourhood area.
- **Stage 2:** Once an application is submitted, public consultation takes place. LBHF planning officers review responses received and consider the information submitted in support of the area and forum applications against the conditions specified in the Regulations 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 for its area. 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 - that 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 a referendum of 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.

AVONMORE, BROOK GREEN AND ADDISON NEIGHBOURHOOD AREA APPLICATION

4.8. The application is at stages 1 - 2 in the process, set out above. The 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: -

1. take account of designating the entire parish council area and
2. any conflicting neighbourhood areas that have already been designated.

4.9. Point 1 is not relevant to the Council, as this is specific to areas within parish councils. In terms of point 2, there are no conflicting neighbourhood area boundaries and the Council has not received any subsequent neighbourhood area proposals.

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 neighbourhood area application has been made to the authority; and,
- there are no other existing neighbourhood plan areas designated that conflict with the proposed area boundary.

4.12. The next step is to consider whether to designate the entire area as proposed in the Application, or an area within the proposed boundary. 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. 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 PPG also sets out that a group can apply for a neighbourhood area to be designated even if it doesn't have a Neighbourhood Forum. However, in order to be sure that the group is the appropriate body to lead neighbourhood planning in that area, the group must also demonstrate that it is capable of becoming the designated Neighbourhood Forum for the neighbourhood area they are applying to have designated.

4.15. The spatial characteristics of the proposed Neighbourhood Area are predominantly residential and incorporates the major parts of two council wards: 'Addison', and, 'Avonmore and Brook Green'. The parts of the wards which are not included ensure a clearer definition of the Neighbourhood Area by the A-roads and the railway. The proposed Neighbourhood Area contains key hubs and amenities such as Brook Green, Blythe Road and Hammersmith Road. Punctuating its perimeter boundary are transport hubs at Shepherds Bush, Hammersmith Town Centre, Talgarth Road, Shepherds Bush Road and the London Overground railway at Kensington Olympia.

- 4.16. 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.
- 4.17. The proposed area is partially within the White City Opportunity Area identified in the LBHF Local Plan. Strategic Policy WCRA (White City Regeneration Area) includes the proposed area, however, the regeneration area covers a wider area. 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.
- 4.18. 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.

PUBLIC CONSULTATION AND RESPONSES

- 4.19. The Application was subject to a six-week consultation between 3rd June and 16th July 2019. 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
 - 8 site notices were placed in key locations within the proposed area
 - The Application was made available for inspection at the Hammersmith Town Hall, King Street, Hammersmith, W6 9JU
 - Emails were sent out to over 250 stakeholder's on LBHF's consultation databases.
- 4.20. The Council received 25 responses as part of the public consultation on the proposed Neighbourhood Area application. The Council received comments from residents and a number of statutory bodies.
- Summary of consultation responses
- 4.21. Twenty responses were positive, expressing support to the Application. These comments expressed support for the proposed area. Two responses suggested boundary amendments.
- 4.22. Two responses did not support the Neighbourhood Forum designation. They consider it would be a small group representing the views of a larger area.
- 4.23. Three responses did not express any particular views towards the Application. These were from the statutory bodies: Natural England; Canals and River Trust; and Port of London Authority.

- 4.24. Overall, the consultation responses demonstrate a large majority in support of area designation as proposed. Officers considered the suggested boundary changes but concluded that the area proposed by the application generally complied with the relevant regulations and guidance as detailed in paragraph 4.13.

WHETHER THE AVONMORE, BRROK GREEN AND ADDISON STEERING GROUP IS CAPABLE OF BECOMING THE DESIGNATED NEIGHBOURHOOD FORUM FOR THE AREA

- 4.25. The assessment shows that the proposed Neighbourhood Area is appropriate for designation, however without a Neighbourhood Forum to lead the neighbourhood planning of the area, the area designation alone would serve no purpose.
- 4.26. Officers have been working with the Steering Group on their ability to demonstrate they are capable of meeting the conditions for Neighbourhood Forum designation (as set out in Section 61F of the Town and Country Planning Act 1990 and 38A of the Planning and Compulsory Purchase Act 2004),
- 4.27. Section 61F effectively requires the Council to be satisfied that the Steering Group membership is open and has secured (or taken reasonable steps to attempt to secure) membership from individuals living in the area; working in the area, including business operators or owners; and individuals who are elected members whose area falls within the proposed Neighbourhood Area; and therein:
- a) from different places across the Neighbourhood Area;
 - b) from different sections of the community in that area; and
 - c) whose purpose reflects (in general terms) the character of that area.
- 4.28. The Steering Group understands the above requirements and are working towards meeting these conditions. However, the Steering Group has, at this time, confirmed they are not in a position to adequately demonstrated they can or are able to meets the conditions.

5. OPTIONS AND ANALYSIS OF OPTIONS

- 5.1. The Steering Group isn't capable of being designated the Neighbourhood Forum for the area, therefore the Council is not able the approve the area application.
- 5.2. Options to defer the decision on the current Area application, or to approve the Neighbourhood Area 'in principle', subject to the Steering Group making a successful Neighbourhood Forum application have both been explored. However, the Regulations governing neighbourhood planning are inflexible and do not allow for either of these options.
- 5.3. This therefore means the Council must refuse the current Neighbourhood Area application.

- 5.4. The Council remains fully supportive of neighbourhood planning, as such initiative aligns with the Council's Priority of Doing things with, not to residents. Officers will therefore continue to work proactively with the Avonmore, Brook Green and Addison Steering Group to support their making of a Neighbourhood Forum application, at which time the Neighbourhood Area application can be resubmitted and the recommendation of this report reconsidered.

6. CONSULTATION

- 6.1. As identified above, the Neighbourhood Area application was subject to public consultation between 3rd June and 16th July. Six weeks is the required time for any Neighbourhood Area applications.

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.
- 7.2. If the proposed Neighbourhood Forum application is made, this will need to demonstrate how the forum will be representative of and inclusive of all those residing or working in the Neighbourhood Area. The equalities implications of the Neighbourhood Forum application will be considered and assessed at that time.
- 7.3. 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 National Planning Policy Framework and the relevant planning practice guidance (as revised) outline the policies in preparation of neighbourhood plans and to decisions on planning applications.
- 8.4. Furthermore, the Housing and Planning Act 2016 have introduced additional requirements for neighbourhood planning which have which have been incorporated into the Neighbourhood Planning (General) and Development

Management Procedure (Amendment) Regulations 2016, and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2016.

8.5. The body of this report has summarised the criterion and procedures to be followed in consideration of the current proposed Neighbourhood Area application in accordance with the above-mentioned legislation.

8.6. Implications completed by Gerta Kodhelaj, Solicitor, tel. 02087536081

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.

9.2. The Council can apply for funding from the Ministry of Housing, Communities and Local Government at different points in the process. For 2019/20 these are as follows:

- For the first five designated neighbourhood plan areas, the Council can apply for £5,000 per designation. This will be the Council's forth 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 second such forum and this should be applied for the subsequent application for the Neighbourhood Forum by approved.

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 approval in line with the Council's financial regulations and Constitution 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 verified by Emily Hill, Assistant Director, Corporate Finance, telephone 020 8753 3145.

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 Billy Seago, Economic Development Team, tel. 020 8753 5242

11. COMMERCIAL IMPLICATIONS

13.1 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.

13.2 Therefore, the Council is required to support these processes and the costs associated with them.

13.3 The future procurement of an independent examiner shall follow the Contracts Standing Orders and the Public Contracts Regulations.

13.4 Implications verified by Joanna Angelides, Procurement Consultant, tel. 020 8753 2586.

12. IT IMPLICATIONS

12.1. No IT implications are considered to arise from this report in respect of an application for the Avonmore, Brook Green and Addison areas to be designated a Neighbourhood Area. Should this not be the case, for example,

by requiring new systems to be procured or existing systems to be modified, IT Services should be consulted.

- 12.2. IM implications: If not already in place, a Privacy Impact Assessment(s) should be carried out to ensure that all the potential data protection risks (e.g. in consulting with Residents) around the proposed area are properly assessed with mitigating actions agreed and implemented.
- 12.3. *Implications verified/completed by: Tina Akpogheneta, Interim Head of Strategy and Strategic Relationship Manager, IT Services, tel 0208 753 5748.*

13. RISK MANAGEMENT

- 13.1. Neighbourhood planning is considered to contribute 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. It is expected that neighbourhood plans also bring additional improvement to the local natural environment through the neighbourhood plan 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 a subsequent forum application is made and approved, alongside resubmission of the area application, work could then commence on preparing 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

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
	Town and Country Planning Act 1990 (published) https://www.legislation.gov.uk/ukpga/1990/8/contents		

LIST OF APPENDICES:

Appendix A: Avonmore, Brook Green and Addison Neighbourhood Area application and proposed Neighbourhood Area boundary