

CHAPTER 14

RESOURCES AND IMPLEMENTATION

General Strategy

- 14.1 This chapter describes the means by which the UDP will be implemented and monitored. Details are given under each relevant policy, but this section sets out a brief account of the Council's general approach.
- 14.2 In the preparation of the Plan the Council has had regard to the requirements of the 1990 Town and Country Planning Act and relevant Government advice as contained in Development Plans, and Regional Planning Guidance. These require that a Local Authority must have regard to the availability of resources for carrying out policies and proposals.
- 14.3 The Council has therefore paid careful attention to national economic policies, market conditions and the level of private sector involvement, the important contribution made by voluntary organisations, and the financial policies and known intentions of all agencies likely to implement proposals within the borough during the period of the UDP.
- 14.4 In particular, the Council believes that the development of the borough can most effectively be achieved through the continued partnership of the Council, private enterprise and local interests. The UDP cannot determine future expenditure in either the public or private sector but it does provide the town planning framework within which the financial plans of the Council, including the Local Implementation Plan for transport and the Housing Investment Programme, are prepared and the plans and investment decisions of others can be formulated. The Council will use its powers to secure development where this is necessary in the public interest. Elsewhere the resources of the Council will be used to realise opportunities and stimulate private investment. For the most part it will be other agencies, private companies, voluntary groups and individuals who will bring the proposals to fruition.
- 14.5 To this end the Council will seek the assistance of local groups, businesses and other organisations operating at neighbourhood and borough-wide level to implement the policies and proposals of the plan. It will actively promote the provisions of the plan to other public and private organisations where executive responsibility for specific proposals does not lie with the Council or can be achieved in partnership.
- 14.6 The important role of the private and voluntary sectors in implementing the plan's provisions, and the finite supply of land, emphasises the Council's powers to regulate development through the Town & Country Planning Acts. Many constraints will influence the scale and timing with which land will come forward for development. The Royal Borough is already heavily built up and the building stock is comparatively young. The remaining undeveloped land performs, in most instances, a valuable open function and very little land is vacant or underused. This contributes to the frequently intense competition for

available land between different uses. Where there is unused or inefficiently used land it is seen as wasted asset which the plan will seek to bring into a use of greater value to the community. Making effective use of urban land also accords with the objective of securing sustainable development.

- 14.7 The Council often receives applications to renew lapsed or expiring planning permissions granted when different policies and government guidance were operating. If there has been a material change in the objectives of the policies affecting the site then, in accordance with Circular 11/95 "The Use of Conditions in Planning Permissions" the past decision will not be regarded as an enduring commitment. However, in certain circumstances, temporary planning permission will allow a site to be used constructively pending permanent development.
- 14.8 New development, redevelopment and the intensification of an existing activity can all generate additional demand for services. For example, traffic movements may increase, and there may be a need for new or altered access and parking arrangements. Sewerage, electricity and other utility services will also be required. Some developments, especially new housing, can generate a need for community services such as schools, clinics or open space. However, it can also be the case that existing local services are operating at or above capacity. In these circumstances it is clearly desirable to locate new development so that, where possible, capacity within existing utility or community services can be utilised, and to avoid exacerbating existing difficulties or shortages. Legal agreements provide a mechanism which the Council will use to secure contributions to the requisite upgrading of public services.
- 14.9 In order to avoid the problem of the UDP becoming an unwieldy document or quickly becoming out of date, the Council attaches importance to the publication of Supplementary Planning Guidance (SPG) as set out in Policy RES4.
- 14.10 The Council will continue to use procedures for the preparation of Supplementary Planning Guidance which will satisfy the Secretary of State that the document should be a material consideration in any relevant matter that has come before him for decision. On a number of occasions the Council's existing SPG has proved influential in the determination of planning appeals.

The Council's Statutory Planning Powers

- 14.11 The Council's objective is to serve the best interests of the local community and to secure development of quality. It aims to work constructively with those seeking planning permission in order to achieve the best possible results, while avoiding delay. In accordance with the Town & Country Planning Acts, planning permission is required for most forms of development, and breaches of planning control can be remedied by enforcement action. The Council intends to use its planning powers in full to ensure that development takes place in accordance with the Planning Acts and complies with the Council's planning policies, as established in the UDP.

Government Guidance – Monitoring

14.12 Local planning authorities are required to keep under review matters which are expected to affect the development or planning of their area. PPG12 indicates that the local planning authority should keep abreast of major changes within and near their area, consider the implications of any national or regional advice, including government advice, or new data that may become available, and consider the necessity for any new surveys. In particular, plans should contain provision for monitoring and review.

Supplementary Planning Guidance

14.13 A continuing role for planning guidance which supplements the policies and proposals contained in a plan is recognised in PPG12. This states that Supplementary Planning Guidance should be prepared in consultation with the public, and be made the subject of a Council resolution (see also para 14.9 above).

Planning Agreements and Conditions

14.14 Circular 11/95 and PPG1 set out the circumstances in which it may be reasonable to impose conditions on a grant of planning permission. Circular 1/97 provides advice on planning obligations which enables a developer to enter into a planning obligation, either jointly with the local planning authority or unilaterally, which will bind them and their successors to provide a planning benefit in the hope and expectation that planning permission will be forthcoming. These circumstances include cases where, for example, access or infrastructure is needed to enable development to go ahead, or where agreements are designed to secure an acceptable balance of uses in mixed developments.

Enforcement

14.15 In PPG18 Enforcing Planning Control local authorities are reminded that their power to issue an enforcement notice against breaches of planning law is entirely discretionary. It should only be used where planning reasons clearly warrant such action and there is no alternative. The decisive issue should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings, meriting protection in the public interest. In considering whether to use enforcement powers the Council also takes into account the extent to which an apparent breach of planning control prejudices the achievement of any important objective of the plan.

Council Resources

- 14.16 Council spending is managed through the preparation of the annual Policy Budget within parameters set by Central Government.
- 14.17 Municipal resources, and in particular the Council's own capital programme, are tightly constrained. The limited expenditure that is available is subject to careful scrutiny and a rigorous evaluation of priorities. Increasingly the Government looks to local authorities to act as enabling authorities or in partnership with the private sector or voluntary organisations, for example in the provision of affordable housing. The UDP has considerable importance as it provides a framework for these investment decisions. It has been formulated in such a way that it can respond to changes in the priorities affecting capital projects and their revenue implications. Those projects currently included in the Council's corporate programme are reflected in the UDP whilst the changes that will inevitably occur within the lifetime of the plan will be recorded in the Annual Monitoring Reports.

Other Public Agencies

- 14.18 Considerable changes have taken place in the powers and responsibilities of the various public bodies owning land within the borough. As a result there is a greater emphasis on the need for bodies such as the Health Authorities to submit applications for planning permission, as opposed to following former procedures for the disposal of Crown Land. Once again this emphasises the importance of the UDP as a way of co-ordinating the investment plans of these agencies.

Private and Voluntary Sectors

- 14.19 The Council will encourage and assist private investment to play a key role in implementing the plan's policies and proposals. The Proposals Maps and Inset Maps indicate those locations where development is considered most appropriate.
- 14.20 The level of private sector investment in the borough is influenced by market forces, interest rates, taxation and economic policies. The level of future private sector investment is uncertain. It has in the past made a major contribution to the development of the borough's economy – its factories and offices, shopping centres and the supply of housing. The borough, together with surrounding areas in South West London and beyond, are characterised by generally buoyant economic conditions, and the private sector has shown a continuing willingness to invest in buildings and land. This relatively high level of private investment is the result of the borough's accessibility to Central London, the airports and the motorway network, and the attractiveness of the local environment. It is anticipated that the private sector will continue to invest in the borough, and future development proposals included in the plan have had regard to the level of activity both in the past and in the present.

14.21 In recent years investment by voluntary and non-profit organisations has become increasingly important in the borough. It is anticipated that their role will be enhanced during the plan period.

Control of Development, Site Assembly, etc RES1

THE COUNCIL WILL SEEK TO IMPLEMENT THE PLAN'S POLICIES AND PROPOSALS BY CONTROLLING DEVELOPMENT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING ACTS, AND IN APPROPRIATE CASES BY:

- (A) ENTERING INTO JOINT DEVELOPMENT SCHEMES;**
- (B) ASSISTING WITH SITE ASSEMBLY BY DISPOSING OF COUNCIL-OWNED LAND, EITHER ON A LONG LEASEHOLD OR FREEHOLD;**
- (C) USING COMPULSORY PURCHASE POWERS WHERE ALL OTHER MEANS OF SITE ASSEMBLY OR ACQUISITION HAVE FAILED;**
- (D) ARTICLE 4 DIRECTIONS.**

THE COUNCIL WILL ENCOURAGE STATUTORY UNDERTAKERS AND UTILITY COMPANIES TO RELEASE UNDERUSED SITES FOR DEVELOPMENT IN ACCORDANCE WITH POLICIES AND PROPOSALS IN THE PLAN.

14.22 In addition to its conventional development control powers, the Council has available to it a number of other powers which will assist the private sector to carry out the plan's proposals. The Council will use these powers in order to further its planning objectives as and when necessary. Compulsory Purchase powers, however, will only be used as a last resort. Similarly, Article 4 Directions restricting permitted development rights etc. will only be invoked when they are essential to secure the implementation of planning policies. They are normally subject to confirmation by the Secretary of State for the Environment, an exception being Article 4(2) Directions which relate to specific permitted development in relation to dwelling houses in a conservation area. The operation of these policies may result in financial liabilities being incurred by the Council.

14.23 The Council continues to dispose of surplus land in order to facilitate private housing development, and has also promoted joint venture housing development schemes. The UDP includes further policies for achieving affordable housing where release of Council-owned land can sometimes be of assistance.

14.24 It will be seen from the identified proposal sites that statutory undertakers and utility companies control a significant amount of land within the Royal Borough, the development of which will have a material bearing on successful implementation of the plan. The Council will take all steps possible to ensure that such land is developed in accordance with site guidelines.

Planning Conditions and Agreements RES2

THE COUNCIL WILL, IN APPROPRIATE CASES, IMPOSE CONDITIONS ON PLANNING PERMISSIONS AND ENTER INTO PLANNING AGREEMENTS WITH DEVELOPERS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND OTHER ACTS, TO ENSURE THAT PARTICULAR ASPECTS OF THE DEVELOPMENT ARE SECURED, THAT THE DEVELOPMENT IS COMPLETED AS A WHOLE, THAT THE INTEGRITY OF THE PLAN'S POLICIES ARE MAINTAINED, OR FOR OTHER PLANNING PURPOSES.

14.25 In a number of instances planning agreements have been used to achieve a wide range of environmental or community benefits, including the dedication of land for the Hogsmill Riverside Walk, formation of rear service roads in Surbiton and New Malden, and provision of affordable housing. Elsewhere, commuted payments have been used to fund a significant programme of public multi-storey car parking in Kingston town centre and New Malden. The operation of the policy to secure planning agreements will take account of current government advice in PPG1 and Circular 1/97.

Determination of Planning Applications RES3

IN DETERMINING PLANNING APPLICATIONS THE COUNCIL WILL TAKE PARTICULAR ACCOUNT OF THE FOLLOWING FACTORS WHEREVER RELEVANT:

- 1. DESIGN AND LAYOUT;**
- 2. IMPACT ON AMENITY;**
- 3. IMPACT ON TRAFFIC, PUBLIC TRANSPORT, PARKING AND SAFE ACCESS FOR VEHICLES, PEDESTRIANS AND PEOPLE WITH DISABILITIES;**
- 4. CAR AND CYCLE PARKING;**
- 5. LANDSCAPING AND ECOLOGICAL IMPACT;**
- 6. SUSTAINABILITY OF PROPOSALS.**

14.26 Whilst any planning application will be assessed against the policies in the plan as a whole, the Council will normally take into account the key factors listed in RES3 which will be relevant to many planning decisions. More detailed policies relating to these matters are contained in various chapters in the plan, including Chapters 3, 6 and 11. Supplementary Planning Guidance may also be a material consideration in decisions.

14.27 Public buildings and other buildings to which members of the public have access are required, under the Chronically Sick and Disabled Persons Act 1970, incorporated under Section 76 of the Town and Country Planning Act 1990, to ensure that there is suitable provision for access for people with disabilities. The types of building to which the Act applies are: buildings open to the public (for example shops, restaurants, hotels, places of entertainment,

leisure and community buildings), places of employment, and education buildings, i.e. most buildings other than residential ones.

- 14.28 The scope of approved document M to the Building Regulations, which deals with access and facilities for disabled people, was extended in October 1999 to cover new dwellings (flats and houses). The British Standard Code of Practice BS 8300, 2001 sets out the minimum standards for access provision, and the Council will ensure that developers adhere to these standards, and where practicable, design to a higher standard. The Council will apply its own Supplementary Planning Guidance "Access for All" to new developments and the refurbishment and adaptation of buildings where appropriate. "Access for All" details the standards required under the Building Control legislation and provides further guidance on other aspects of access provision.
- 14.29 Adequate access provisions not only apply to those persons with disabilities but also to other people such as parents with pushchairs, and the Council will encourage developers to include provision to cater for these groups of people. Similarly, access provision is not solely applicable to buildings, and the Council will endeavour through this and other policies within the UDP to provide access to public spaces such as pavements, parks and pedestrianised areas and squares, using suitable paving, design of crossovers and provision of additional aids such as street furniture and facilities for people with disabilities (see also Policy T13).
- 14.30 In the case of alterations and extensions to buildings, the applicant will, where appropriate, be required to comply with the regulations on access provision. Only in extreme circumstances will non-compliance be allowed (see also Policy BE6). In addition to this policy, other policies in the plan emphasise particular functions where access provision will be required. Additional urban design policies also encourage good access provision and guard against the exclusion of specific groups.
- 14.31 For all development proposals, the Council encourages applicants to design with sustainability in mind, and, will enforce this approach where legislation and opportunities allow. In particular, developers should consider the re-use of materials (see Policy BE12), allowing sufficient space for recycling and waste minimisation schemes (see policy MW1), renewable energy generation (see policy MW3) and reducing the role of the private car while promoting sustainable travel modes (see Policy STR13). Supplementary Planning Guidance on Sustainable Construction has been published.
- 14.32 It should be noted that the Council as local planning authority has limited powers in relation to development by government departments and certain authorised development by statutory undertakers, who are generally required to consult the authority rather than apply for planning permission for certain types of operation. However, the plan will provide the context for considering all such consultations as well as planning applications. When a government department disposes of land or buildings, planning permission is required in the normal way for changes of use or development. The Council will publicise its own development proposals in accordance with the requirements of the 1990 Town and Country Planning Act (as amended).

Supplementary Planning Guidance (SPG) RES4

THE COUNCIL WILL PREPARE AND UPDATE PLANNING BRIEFS AND SUPPLEMENTARY PLANNING GUIDANCE AS NECESSARY TO ASSIST DEVELOPMENT IN ACCORDANCE WITH THE PLAN'S POLICIES AND PROPOSALS. PRIORITIES FOR THE PREPARATION OF SUCH MATERIAL WILL BE REVIEWED THROUGH THE ANNUAL MONITORING AND REVIEW PROCESS. (Cross reference Policy RES7).

- 14.33 A continuing role for planning guidance which supplements the policies and proposals contained in a plan is recognised in PPG12 which notes that the weight accorded to Supplementary Planning Guidance will increase when it is prepared in consultation with the public, and has been made the subject of a Council resolution. This process enables detailed design guidance (eg residential extensions, access, shopfronts, landscaping) to be provided as separate documents which are capable of being up-dated as necessary without requiring a formal Alteration to be made to the UDP.
- 14.34 The Council intends to continue to use SPG to provide detailed or technical guidance where this is useful and necessary. Any guidance will be consistent with the plan and will only provide elaboration where this helps applicants for planning permission and others with an interest in land, reduces delays and promotes environmental quality. The Council will keep under review the need for the policy framework provided by the plan to be elaborated in this way. A full list of current guidance will be published in Monitoring Reports.
- 14.35 Planning briefs represent a special form of supplementary guidance dealing with individual sites. The intention is to set out development guidelines to assist land owners and developers on major sites, especially where there are particular planning problems arising from the site's location or form, or from the manner in which it is to be developed. Other examples where planning briefs may be beneficial are sites in multiple ownership, and where the Council wishes to promote development. Where references to SPG are made on proposal sites in Chapter 15, it should be clearly understood that these references are intended as helpful information and that Supplementary Planning Guidance does not have the same status as the Unitary Development Plan, which must be the prime policy consideration. It is anticipated that briefs for additional sites will be brought forward during the plan period, and briefs that were approved prior to the adoption of the UDP may need to be reviewed in due course.
- 14.36 SPG elaborates provisions of the plan which have already been the subject of public consultation. However, additional public consultation will normally be undertaken to ensure that SPG is given its proper weight as Council policy (see paragraph 14.13).

Temporary Planning Permissions and Renewal of Expired Permissions

RES5

THE COUNCIL WILL HAVE REGARD TO THE PLAN'S POLICIES AND PROPOSALS WHEN CONSIDERING APPLICATIONS FOR TEMPORARY PLANNING PERMISSION AND FOR THE RENEWAL OF PLANNING PERMISSIONS THAT HAVE EXPIRED.

- 14.37 Whilst the previous planning history will constitute a material consideration, any application to renew an expired permission will be critically tested against the policy context established by the UDP, and whether this is materially different to that which applied at the time of the original decision.
- 14.38 When considering proposals for the renewal of an expired planning permission, or a new application for temporary planning permission, the Council will only grant consent where it is satisfied that the proposal remains appropriate in the new circumstances. Temporary planning permission will only be granted where there is a compelling case for not granting a permanent permission. A temporary planning consent will not be appropriate as a means of avoiding compliance with other planning policies.

Provision of Adequate Infrastructure

RES6

PLANNING PERMISSION FOR NEW DEVELOPMENT WILL ONLY BE GRANTED WHERE ADEQUATE INFRASTRUCTURE AND ESSENTIAL COMMUNITY FACILITIES ARE AVAILABLE, FIRMLY COMMITTED, OR PROVIDED AS PART OF THE DEVELOPMENT SCHEME.

- 14.39 The Council will require full details of infrastructure works to be carried out to be included in planning applications and will impose upon an applicant a requirement to provide adequate access and infrastructure facilities necessary to enable the development to go ahead satisfactorily. Where necessary, the Council will require such works to be carried out in advance of any other development. It will be necessary to consult Thames Water where large developments are likely to place pressure on the supply of water or treatment of effluent. The provision of community or other services will also be required where the necessary services are not already provided or where the existing system cannot accommodate the additional demand. The Council's requirements in such instances will be formulated in accordance with the guidance provided in Circular 16/91 'Planning Obligations' and PPG1 General Policy and Principles (see also Introduction to this chapter).

Monitoring RES7

THE COUNCIL WILL MONITOR:

- (A) IMPLEMENTATION OF THE PLAN'S PROPOSALS;
- (B) THE EFFECTIVENESS OF THE PLAN'S POLICIES;
- (C) THE CONTINUING RELEVANCE OF THE PLAN'S POLICIES AND PROPOSALS AS CIRCUMSTANCES CHANGE;
- (D) THE NECESSITY FOR THE ADOPTION OF NEW POLICIES AND PROPOSALS TO ADDRESS ISSUES WHICH MAY ARISE AFTER THE ADOPTION OF THE PLAN. AN ANNUAL MONITORING REPORT COVERING SUCH ISSUES WILL BE PREPARED AND, IF NECESSARY, THE COUNCIL WILL THEN TAKE APPROPRIATE STEPS TO AMEND OR REVIEW THE PLAN.

14.40 The UDP is not rigid or prescriptive in its approach towards the development of individual sites, nor can it be considered to anticipate all eventualities. In these circumstances the current statutory system provides sensible arrangements to keep policies and proposals, and local environmental conditions, under review.

14.41 In Part I of the UDP, sixty indicators are listed. The Council intends to use these indicators to monitor the effectiveness of the Council's land use strategy, producing Annual Monitoring Reports to provide an ongoing update on land use issues in the borough. The Annual Monitoring Reports will also:

1. contain the results of any relevant studies;
2. summarise the information on significant planning decisions, land use changes, etc;
3. identify any other issues that have arisen affecting policies or proposals contained in the UDP.

14.42 In the light of the results of monitoring the Council will decide on whether there is a need to make proposals to alter or review part or all of the plan in accordance with the relevant statutory provisions.

Community Benefit RES8

PLANNING CONDITIONS MAY BE CONSIDERED IN ORDER TO PROVIDE RELATED BENEFITS WHEN A PLANNING APPLICATION IS DETERMINED. WHERE IT IS REASONABLE TO SEEK SUCH BENEFITS BY WAY OF A PLANNING OBLIGATION (OR OTHER AGREEMENT) THE EXISTENCE OR LIKELIHOOD OF SUCH AN OBLIGATION WILL BE MATERIAL TO THE GRANTING OF PLANNING PERMISSION.

14.43 Section 106 of the Town and Country Planning Act 1990 defines the role of planning obligations which are a means of securing planning benefits for the community such as affordable housing and community facilities. The Council will have regard to Circular 1/97 when applying the above policy.

14.44 Planning applications will be determined on their merits, in accordance with the provisions of the UDP and subject to other material considerations. Planning obligations will only be sought where they are relevant to and commensurate with the scale and type of development and essential to the granting of planning permission. Unacceptable developments will not be made acceptable by the applicant offering benefits. The provision of community benefit alone will not be sufficient to justify a development. Examples of community benefit include:

- (a) provision of affordable housing and community facilities (as defined in the Glossary) to meet local needs;
- (b) improvement of the public transport system to encourage journeys to be made by public transport;
- (c) provision of special benefits in the form of buildings, open space, pedestrian access and other facilities for the use of the public which are related to the development itself, or to the pedestrian movements which are generated and attracted;
- (d) conservation of buildings or places of historic or architectural interest and areas of nature conservation significance;
- (e) provision of leisure facilities for use by the public, especially less profitable uses in the fields of the arts and recreation;
- (f) the provision of childcare and other indoor community facilities relating to the development or where the development is likely to increase demand for such provision;
- (g) the provision of rear servicing when considered advantageous to the proposals. Arrangements should be complementary to, but not necessarily dependent upon, construction of any proposed rear service roads;
- (h) the cessation of non-conforming uses which detract from local amenity;
- (i) provision of art in the environment, involving artistic features such as sculpture or murals provided in conjunction with development, for public enjoyment.

14.45 The application of this policy in relation to the provision of certain benefits is amplified in Policies H9 (affordable housing), BE23 (art in new development), RL7 (children's play provision) and MW1 (Development of Waste Facilities).

