

ROYAL BOROUGH OF KINGSTON UPON THAMES

THE DEADLINE FOR CALLING-IN ANY OF THE DECISIONS CONTAINED IN THESE MINUTES IS UP TO, AND INCLUDING FRIDAY 30 JUNE 2006. AFTER THAT DATE, THEY WILL BE IMPLEMENTED WHERE APPROPRIATE. NOTIFICATION OF ITEMS TO BE CALLED-IN TO BE SENT TO:

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EXECUTIVE

20 JUNE 2006

(7:30 pm – 8:58 pm)

Councillor Derek Osbourne (Chair)	- Leader of the Council
Councillor Patricia Bamford	- Children and Young People's Services
Councillor Rolson Davies	- Health and Community
*Councillor Simon James	- Transport, Planning and Regeneration
Councillor Ian Reid	- Improvement and Performance
Councillor Liz Shard	- Sustainability and Biodiversity
Councillor Penny Shelton	- Housing and Adult Services

Apologies were received from Councillor Simon James

Councillor Janet Bowen-Hitchings, Councillor Patrick Codd, Councillor Howard Jones, Councillor Steve Mama and Councillor Barry O'Mahony attended.

QUESTIONS

Mr Carl Kember asked questions at the meeting about Kingston Theatre, and Mr Derrick Chester submitted written questions about Waste Management. These are attached, with the replies, but do not form part of the minutes.

DECLARATIONS OF INTEREST

The Mayor, Councillor Mary Reid and Councillors Janet Bowen Hitchings, Don Jordan, Ian Reid, Penny Shelton, Bob Steed and Patrick Codd declared a personal interest in minute no.25, Kingston Theatre

Reason: He is a Friend of Kingston Theatre.

Councillor Rolson Davies declared a personal interest in minute no 25, Kingston Theatre

Reason: His wife is a Friend of Kingston Theatre

Councillor Barry O'Mahony, declared a personal interest in minute no.25, Kingston Theatre

Reason: He is one of the Council's representatives on Kingston Theatre Trust.

Councillor Richard Hudson declared a person

UPDATE BY EXECUTIVE MEMBERS

Councillor Penny Shelton – Housing and Adult Services

A. Choice Based Lettings

The Choice based lettings System, which went live on 17 May has made a successful beginning.

B. Handyman Service

The Council's repairs partner contractors Mears and Smith & Byford are providing a handyman service which carries out small-scale jobs in the Council's housing property.

C. Adult Services

Last week was Carers week and the Council held a Health and Care Open Day and a Borough Open Forum for Carers. A barbeque and sponsored walk was held to support young carers, who save public expenditure nationally of some £57billion.

Councillor Liz Shard – Sustainability and Biodiversity

Trading Standards Institute Competition

The Trading Standards Institute hold a competition for the Brindley Medal to be won by the Trading Standards Department which suggests the most innovative idea. Kingston Trading Standards suggested that there should be a competition for designers to design packaging products which minimise waste. This idea won the Trading Standards equal third place in the competition. The issue of excessive waste packaging has also been raised by the Women's Institute.

(NOTE: The order of the agenda was varied)

11. MINUTES

RESOLVED that the minutes of the meeting held on 23 May 2006 be confirmed as a correct record and signed by the Chair.

12. KINGSTON THEATRE

Appendix J

(NOTE: A revised version of this report was produced omitting exempt information. The matter was moved to the public part of the agenda for discussion and decision)

The Council has had a long held aspiration to bring about a Theatre in Kingston because of the cultural, economic and social benefits that would be realised. To this end the Executive has considered a number of reports, particularly focusing on proposals for financing the fitting out of the Theatre building. In June 2005 it was agreed to set up a Property Company to the value of £6.0million, underwrite fitting out costs, purchase equipment and lease it back to the Theatre, and provide an interest free loan. Arrangements for financing the various proposals were approved.

There was a complex set of legal arrangements between the Council, the University and the Theatre Trust to agree and establish a Property Company with three major shareholders, namely the Council, the University and General Mediterranean Holdings (GMH) with a legal structure to reflect the various interests. Although complex and lengthy, the legal arrangements, and the negotiations resulted in the "agreed" legal documents being in place by October 2005. However, GMH took until early 2006 to engage in meaningful discussions on the legal structures and further negotiations and redrafting of legal agreements have taken place since then; principally between Council officers and GMH.

In the light of the current position on negotiations, as set out in the Part 2 exempt report, the Executive examined further options.

There are limitations on the site; a 999 year structure lease to St George West London Ltd and various Planning agreements which specify Theatre use for the building, means that demolition and redevelopment of the site is not an option. Conversion to other acceptable uses would also have very significant cost implications. The remaining options vary from not proceeding with GMH and leaving the building empty until funds are available for fitting out, selling the building, proceeding with GMH on the basis of negotiations, proceeding with a Property Company or Limited Liability Partnership in partnership with the University, or the Council financing the fitting out costs as a capital project.

The preferred option is to proceed with a Limited Liability Partnership with the University. This requires a substantial increase in funding from the Council – up to £3.4 million but leaving the Partnership structure in place could attract future investors to replace, or buy from, part of the Council's investment. The interest charges would, at present long term fixed rates, be £156,000 per annum and £136,000 per annum for re-payment of the principal. These payments could be partly offset by the rental income from the Trust under the lease, which will be index linked and rise annually with the retail price index.

The Council has the legal powers to make the necessary additional investment. In considering this option Members have taken into account the implied fiduciary duty owed to Council Tax payers having regard to the funds at the Council's disposal. The Leader of the Opposition and Chair of the Scrutiny Panel attended the meeting, asked a number of questions – to which the Leader of the Council responded - and advised that the matter would be called in to the Scrutiny Panel.

RESOLVED that

1. the Limited Liability Partnership structure between the Council and the University for the fitting out of the Theatre be authorised;
2. the GMH offer not be proceeded with as the arrangements proposed do not offer the appropriate safeguards to the Council's interest;
3. the Limited Liability Partnership arrangements be structured so that future investors can "buy" a stake in the Theatre; the Council to take direct control of the promotion of the scheme to allow other investors in;

4. the Council's and the University's stakeholding in the Partnership, when taken together shall not fall below 51%;
5. the University be offered an opportunity to increase their stakeholding in the Limited Liability Partnership, in return for an appropriate share in the rental income;
6. the Council make a further payment, of up to £3.4 million in the Limited Liability Partnership, so as to provide sufficient funds for fitting out;
7. a further Capital Programme Provision of up to £3.4 million be made;
8. the Chief Executive, Head of Legal Services and Director of Finance be authorised to take all necessary action to conclude arrangements for the Limited Liability Partnership and transfer of funds to the Limited Liability Partnership;
9. the Director of Finance be authorised to act as the Council's representative Board Member on the Limited Liability Partnership; and
10. the report be referred to Council on 18 July for debate and for decision on relation to the additional Capital Programme provision of £3.4m (set out in 7 above).

Reason for decision

To provide the financial support necessary to deliver and complete the theatre project.

Reason for late circulation of the exempt report

Action to implement the Executive's decisions has been on-going involving intricate negotiations with all the parties but principally GMH. The negotiations have raised complicated legal issues on which it has been necessary to seek advice, evaluate that advice and fully consider the Council's options which has taken until now. It is important for the Executive to consider this report at the 20th June meeting so that, subject to its decision, the fit out programme can be completed in time for an Autumn 2007 opening which is regarded as advantageous to the Theatre's success.

13. BUDGET MONITORING 2005/06 – OUTTURN POSITION

Appendix A

Regular monitoring and action taken by the Executive to restrain expenditure, together with additional income from Housing Benefit Subsidy, Investment Interest and Capital Financing, and a reduced need on demand led budgets has resulted in an underspending of £3.8m. This has led to a net expenditure position for General Fund Services of £0.835m against the approved budget. The unallocated General Fund Balance at 31 March 2006 was £3.661 million; this level is consistent with the Director of Finance's recommendation for an appropriate minimum balance in the context of RBK's budget for 2006/07.

The Council is required to maintain separate accounts for On Street Parking and for Bus Lane Enforcement Activities. In 2005/06 the On Street Parking account funded

a number of projects including a new IT system for Notice processing, customer services and permit administration. At 31 March 2006 the Account showed a net surplus of £712,002.47. The Bus Lane Enforcement Account at 31 March 2006 was in surplus by £87,315.17.

To meet expected future costs reserves are to be earmarked for local elections, the corporate assessment process, the development of Invest to Save cost-effective solutions and for Capital purposes as an alternative to borrowing.

The four Neighbourhood Committees have all underspent against their delegated budgets for 2005/06 and this underspending is to be carried forward into 2006/07.

The published final accounts will be scrutinised by the Audit Committee on 27 June 2006, and then submitted to full Council for approval on 29 June 2006.

RESOLVED that

1. the position on the outturn budget be noted and approved;
2. the carry forward to 2006/07 of £284,000, being the Neighbourhood Committees' net underspendings in 2005/06, be approved;
3. the setting up of Reserves for local elections, corporate assessment, £1m for Invest to Save and £2m revenue for capital, as detailed in the report, be approved; and
4. the On Street Parking Account and Bus Lane Enforcement Account be approved for reporting to the Mayor for London and of the Secretary of State respectively.

Reason for decision

To enable the accounts to be reported to full Council on 29 June 2006 as required by legislation.

14. 2006/07 PERFORMANCE PLAN - REVIEW OF THE POLICY PROGRAMME 2005-06 **Appendix B**

The Performance Plan highlights the areas where the Council has been most ambitious to sustain excellence and deliver improvements and reports on achievements to date. The Council continues to meet its aim of delivering continuous improvement in services for the benefit of residents. The Plan will be subject to audit and play a key part in the way the Audit Commission assesses the Council's performance including through the Comprehensive Performance Assessment. In recent years the Performance Plan has been built around the Policy Programme and made it into a document that reflects the Administration's ambitions and improvement priorities. Work is underway to translate the Administration's manifesto into a new policy programme for consideration in July, but Local Authorities are required to publish a Performance Plan for 2006/07 by 30 June 2006. A document has been produced which meets the statutory requirements, including performance targets for statutory Best Value Performance Indicators, but mainly

reviews past performance. This will be revised and considered by the Council on 18 July.

RESOLVED that

1. the version of the Performance Plan submitted to this meeting be approved for immediate publication in electronic form on the Council's website, prior to submission of the final version for formal approval by the Council at its next meeting on 18 July 2006; and
2. the Chief Executive be authorised to continue to develop and update the document prior to submission to the Council.

Reason for decision

To update the Council's Policy Programme in the light of the annual progress review; and to facilitate the publication of the Council's Performance Plan by the 30 June deadline.

Reason for late circulation of report

The Chair authorised the late circulation of the Annex to this report. The Policy Programme reflects the Administration's priorities and work to review the previous Programme and prepare the new Programme began, in consultation with the Administration, following the Council elections in May 2006, and is ongoing. The Performance Plan, which is built around the review of the Policy Programme, must be published by 30 June, even in an election year, so has to be considered by the Executive at this meeting in order to comply with statutory requirements. A significant amount of work is required to produce these documents and it was not possible to complete them in time to circulate with the agenda.

15. PROPOSED EXTENSION OF THE HAMMERSON CO-OPERATION AGREEMENT

Appendix C

The Executive agreed to enter into a Co-operation Agreement with Hammerson who were looking at retail-led development opportunities in Kingston Town Centre. Such co-operation would assist the delivery of new facilities and help in the regeneration of Kingston town centre, the framework for which is set out in the K+20 Area Action Plan work. During the period of the Co-operation Agreement, the Council has agreed not to dispose of any Council-owned land within the agreed study area. Initially the period of the Agreement was for one year of one year from July 2003, but it has been extended annually for a further year, with adjustments made to the area covered by the Agreement.

Heads of Terms setting out the basis on which any development would proceed was approved in October 2005 and signed in December 2005. This identified the core elements to be incorporated in any development scheme. A draft Development Agreement has been prepared and negotiations relating to the terms and conditions to be incorporated into this document are currently taking place, but there are a number of complex issues that need resolution and there are various studies to be completed. It will not be possible to complete this work prior to the expiry of the Co-operation Agreement at the end of June. Consequently a further extension of 12 months to 30 June 2007 is sought in order to progress a number of milestones.

RESOLVED that a further extension to the Co-operation Agreement with Hammerson for a period of one year from 1 July 2006 to 30 June 2007 be approved.

Reason for decision

To allow further time for negotiations on the terms and conditions to be incorporated into the Development Agreement, CPO Indemnity Agreement and supporting documentation relating to mixed use retail led development proposals within for the Eden Quarter area, which will help to regenerate Kingston town centre and to allow time for associated studies to be completed.

16. WASTE MANAGEMENT

Appendix D

The Municipal Waste Strategy was adopted in August 2004 and sets out the framework and criteria in which all planning, procurement and operational decisions will be made to reduce waste and meet waste targets over a long timescale. To monitor progress a Waste Strategy Implementation Plan and “waste position” would be published in July each year.

The Second Waste Strategy Implementation Plan has largely been successfully delivered with the following achievements being of particular note:

- “In principle” agreement from three Boroughs to enter into a joint waste procurement project.
- Commencement of building the Dano Drum plant to treat 10,000 tonnes of the Council’s municipal waste annually.
- Door knocking campaign of 19,000 households in the borough completed with significant requests for new green boxes
- Recycling service provided to an additional 1,300 private flats
- Introduction 140 new street recycling bins across the borough
- Furniture project launched in the borough to collect reusable material, on target to divert over 100 tonnes of material from landfill in its first year
- Review and refurbishment of all recycling bring sites in the borough,
- Ongoing promotion of the Council’s waste services, new waste services guide produced and distributed to every household in the borough;
- Successful bid to provide new recycling facilities at 33 schools in the borough
- Extended green waste kerbside collection across the borough from spring 2006

During 2005/06, 432 kilogrammes of waste were collected per head of population, a decrease from 545 kilogrammes in 2004/05. As at 31 March 2006, the borough’s waste was down 5.1%. The Council recycled 17.41% of the waste collected and composted 6.56%. Consequently the combined recycling and composting rate was 23.97% (18.35% in 2004/05). Overall the Council is in a stronger position following 2004/05 with respect to recycling and composting rates, waste growth, and Best Value Performance Indicator performance.

The Third Waste Strategy Implementation Plan addresses five key objectives, in line with those set out in the Council’s Waste Strategy; the following eight projects of particular significance have been prioritised for action:

- Consideration of a kitchen food waste collection trial
- Expanding flats recycling

- The waste minimisation campaign
- Development of an enforcement policy to include addressing fly tipping
- Community composting and the composting of Christmas Trees
- Identification of new recycling bring sites
- Development of a voluntary sector recycling credits scheme
- Information to assist business with their waste minimisation and recycling activities

The Government introduced the Landfill Allowance Trading Scheme on 1 April 2005 so it is the first year in which the Council has had a target under this scheme. The Council was permitted to send 45,327 tonnes of Biodegradable Municipal Waste to landfill but actually sent 42,526 tonnes. The surplus 2,801 permits are to be “banked” as a surplus to carry forward under the LATS scheme.

RESOLVED that

1. the review of the Second Waste Strategy Implementation Plan and the Council's current waste position be noted;
2. the Third Waste Strategy Implementation Plan be approved;
3. the banking of 2,801 permits for use in future years in order to address the Council's 2005/06 Landfill Allowance Trading Scheme position be approved; and
4. officers be thanked for the efforts they have put in to achieving these results.

Reason for decision

To ensure that the Council continues to implement the most appropriate actions in addressing both short term and medium term issues with regard to waste management and to ensure that a key objective of the Council's policy programme is delivered.

17. ADOPTION OF KINGSTON OLD TOWN CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS, AND BOUNDARY REVIEW Appendix E

The Council is currently undertaking Conservation Area Character Appraisals and developing Management Strategies, for the Borough's Conservation Areas. The aim is that the appraisals should assess and clearly define the special interest, character and appearance of the conservation areas and review their boundaries, whilst the management proposals provide detailed policy guidance for their protection and enhancement. In each case the draft Appraisal and Management Proposals will be subject to public consultation before being finalised.

A detailed appraisal of the character and appearance of the Kingston Old Town Conservation Area has been carried out and a set of policies drafted to guide and inform development proposals. Both an overall policy and detailed policies will be taken forward and used to inform the ten Character Areas included in the draft Area Action Plan for Kingston town centre. The Area Action Plan will replace the

Kingston town centre Chapter of the Unitary Development Plan and other policies relating to Kingston town centre.

A public consultation exercise was undertaken on six potential amendments to the Old Town Conservation Area boundary, which proposed changes to the boundary and management proposals which outlined some of the key recommendations. Overall, views were supportive, but there was some differences of view about proposed boundary changes. The Kingston Town Neighbourhood Committee supported the proposals.

RESOLVED that

1. the character appraisal, management proposals and amended boundary for the Kingston Town Conservation Area shown in Drawing. No. 06/073/M, be adopted to allow the documents to be incorporated into the K+20 Area Action Plan for Kingston town centre and to provide a material consideration for the purposes of Development Control and any other planning decisions, specifically in the application of UDP policies BE3 and BE4;
2. the owners and occupiers of properties and land within the amended conservation area be notified by letter of the new boundary;
3. a conservation area leaflet be published to follow the existing series of conservation area leaflets; and
4. a report be submitted to a future meeting about the undercroft structure located in the Kingston Bridge/John Lewis Store area of the town centre.

Reason for decision

To preserve the special architectural or historic interest, of the Kingston Town Conservation Area and to allow the adopted documents to be fed into the K+20 Area Action Plan for Kingston town centre.

18. REVIEW OF RBK LOCAL CODE OF CORPORATE GOVERNANCE

Appendix F

The CIPFA/SOLACE framework set out the three principles which underpin corporate governance: openness and inclusivity; integrity; and accountability. During 2004/05 the Director of Finance completed a review of the adequacy of RBKs existing corporate governance arrangements when assessed against this framework. The Executive in April 2005 approved the RBK Local Code of Corporate Governance; noted the findings from the review of compliance with the Code and approved the action plan for 2005/06 and the arrangements for annual review and monitoring.

Since April 2005 actions have been taken to maintain and enhance performance against the Code and, overall, good progress has been made. In particular key developments during the last year that improve compliance with the code include:

- Improved arrangements for scrutiny and overview.
- A Local Area Agreement has been negotiated with Central Government.
- A new Consultation Strategy has been approved.

- The Council has progressed to level 2 of the Equality Standard with plans to reach level 3 by the end of 2006.
- A new Procurement Framework has been approved and launched.
- Further steps have been taken to roll-out and embed improved risk management across the Council.

Following a further review further actions required or desirable to improve governance arrangements have again been identified and are summarised in a new Action Plan 2006/07. Progress will be monitored during the year and reported to the Executive in early 2007/08.

The Assistant Director, Audit, pending revised guidance from CIPFA/Solace later this year, is satisfied with the continuing adequacy and effectiveness of the Code, and the extent of compliance with it.

RESOLVED that

1. the progress made on the 2005/06 action plan be noted;
2. the revised action plan be approved;
3. the on-going arrangements for review and monitoring be noted; and
4. the findings of the Assistant Director (Audit) be noted.

Reason for decision

To ensure that the Council remains fully committed to the highest standards of Corporate Governance.

**19. DESIGN, SUSTAINABILITY AND ACCESS STATEMENTS - Appendix G
SUPPLEMENTARY PLANNING ADVICE**

The Supplementary Planning Advice on Design, Access and Sustainability Statements set out guidance to help applicants prepare Design, Access and Sustainability Statements in support of planning applications. These statements are the means by which developers demonstrate how they have addressed design, including sustainability and access issues, in preparing their planning application. Changes to the 'access' section of the document are now proposed so that it better reflects up-to-date policy requirements in the London Plan and the Council's Unitary Development Plan.

The London Plan requires all new housing to be built to Lifetime Homes standards and seeks to ensure that ten percent of new housing is designed to be wheelchair accessible, or easily adapted for residents who are wheelchair users. The key changes incorporated into the new note are:

- All new homes must be built to Lifetime Home Standards;
- On schemes of 20 or more dwellings, more than 10% must be accessible for wheelchair users.
- An Access Statement must be provided for all residential developments down to a single dwelling;

- A suitable lift must be installed for new developments where dwellings are accessed off the ground floor in accordance with the overall purpose of Lifetime Homes;
- Wheelchair housing should be marketed exclusively to wheelchair users for the first six months to ensure that wheelchair users have an opportunity to acquire the few specifically designed dwellings available.

RESOLVED that

1. the amendments to the 'Design, Access and Sustainability Statements' Supplementary Planning Advice be agreed; and
2. the amended 'Design, Sustainability and Access Statements' Supplementary Planning Advice be adopted.

Reason for decision

To enable the Executive to adopt the revised 'Design, Sustainability and Access Statements' Supplementary Planning Advice.

20. FOOTPATH 15 – TOLWORTH COURT FARM (COX LANE), Chessington - PROPOSED LAND EXCHANGE TO FACILITATE CONVERSION TO SHARED PEDESTRIAN & CYCLE USE. Appendix H

Footpath 15 runs across Tolworth Court Farm and connects Cox Lane, Chessington with Cox Lane in Ewell. Footpath 15 has the potential to provide a direct cycling link between Chessington and Ewell avoiding a lengthy detour via busy and heavily trafficked roads. The Council is encouraging cycling as it is an economic and efficient means of transport and does not have a detrimental effect on the environment. An exchange of land is proposed at Tolworth Court Farm which would greatly assist the Council when making an Order under the Cycle Tracks Act, 1984 to designate the widened path as a shared pedestrian and cycle track.

RESOLVED that

1. the position regarding the widening and conversion of Footpath 15 to a shared pedestrian and cycle route be noted;
2. the comments received from the South of the Borough Neighbourhood Committee at its meeting on 26th April 2006 be noted; and
3. the proposed land exchange with Adioform Limited as shown in plan no EM 4693 be approved and officers be authorised to complete the exchange.

Reason for decision

To place all of Footpath 15 in Council ownership and enable the conversion of Footpath 15 to a shared pedestrian and cycle route, promoting the use of sustainable journeys between Chessington and Ewell.

21. LONDON LOCAL AUTHORITIES AND TRANSPORT FOR
LONDON ACT 2003

Appendix I

Currently forming an access on to the highway, the provision of a parking area and the construction of a vehicle crossing is governed by planning and highway legislation. In most cases this legislation is adequate to manage both permissions and control. However, there are a significant number of occasions where the Council wishes to refuse permission or take enforcement action, such as across wide verges, properties with short frontages and locations where the safety of pedestrians are a concern and where the highway is being damaged, and the legislation is not adequate in these cases.

New powers contained within the London Local Authorities and Transport for London Act 2003 relate to unauthorised crossing of the footway or verge by vehicles and would enable improved control of future situations, better compliance with the Council's policies and strengthen the Council's control over abuse. In order for the Authority to be able to use these new powers, the Council is required formally to adopt Section 16 of the Act.

RESOLVED that the provisions of Section 16 of the London Local Authorities and Transport for London Act 2003 be adopted.

Reason for decision

To enable the Council to strengthen its enforcement of unauthorised use of the footway, vehicle crossings and "short frontage" agreements.

22. APPOINTMENTS TO INTERNAL WORKING GROUPS AND
OUTSIDE BODIES

Appointments need to be made to a number of vacancies on various bodies.

RESOLVED that the following appointments be approved:

Internal Bodies

Constitutional Review Working Group	Councillor Chrissie Hitchcock
Kingston University Liaison Committee	Councillor Bart Ricketts

Outside Bodies

Kingston Arts Council	Councillor Barry O'Mahony
Kingston Arts Council Executive Committee`	Councillor Barry O'Mahony
Kingston Centre for Independent Living	Councillor Sue Baker (alternate for Councillor Penny Shelton)
Kingston upon Thames Society [Executive Board]	Councillor Simon James
Kingston Community and Police Partnership	Councillor Adrian Holder and Councillor Sheila Griffin

Reason for decision

To fill vacancies on a number of bodies.

ADOPTION OF KINGSTON OLD TOWN CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS, AND BOUNDARY REVIEW

Report by the Director of Environmental Services
Executive Member for Transport, Planning and Regeneration

Purpose

On 24th May 2006 the Kingston Town Neighbourhood Committee considered a report setting out the consultation exercise for the Kingston Town Conservation Area Character Appraisal (Stage 1) and Management Proposals (Stage 2). This summarised the two documents together with the policies and proposed boundary changes and provided preliminary results of public consultation between April and May 2006. The boundary of the Kingston Town Conservation Area has now been carefully reviewed in response to an assessment of the consultation representations. A revised boundary is recommended for formal adoption together with the character appraisal and management proposals

Action proposed by the Executive Member for Transport, Planning and Regeneration:

The Executive is requested to:

1. adopt the character appraisal, management proposals and amended boundary for the Kingston Town Conservation Area as shown in Annexe Drwg. No. 06/073/M, to allow the documents to be incorporated into the K+20 Area Action Plan for Kingston town centre and to provide a material consideration for the purposes of Development Control and any other planning decisions, specifically in the application of UDP policies BE3 and BE4;
2. agree that the owners and occupiers of properties and land within the amended conservation area be notified by letter of the new boundary; and
3. agree that a conservation area leaflet be published to follow the existing series of conservation area leaflets;

Reason for action proposed

To preserve the special architectural or historic interest, of the Kingston Town Conservation Area and to allow the adopted documents to be fed into the K+20 Area Action Plan for Kingston town centre.

BACKGROUND

1. Nathaniel Lichfield & Partners were commissioned to carry out a detailed appraisal of the character and appearance of the Kingston Old Town Conservation Area, 'Character Appraisal' (Stage 1). This was followed up with a subsequent second stage of work to provide a set of policies to guide change and inform development proposals within the Old Town, 'Management Proposals – Interim Planning Policy' (Stage 2). A public

E2

consultation exercise for the Old Town Conservation Area, 'Character Appraisal' (Stage 1) which proposed changes to the boundary, and the Management Proposals (Stage 2), which outlined some of the key recommendations, was undertaken between 18th April and 15th May 2006.

2. On 24th May 2006 the Kingston Town Neighbourhood Committee considered a report on the proposed consultation for the Old Town Conservation Area Character Appraisal and Management Proposals, identified on drawing No.06/070/M. This included the preliminary results of the consultation. Full results of the consultation were made known to Committee Members at the meeting. The committee agreed the report including the proposed boundary changes.

THE ASSESSMENT FOR PUBLIC CONSULTATION

3. The full background to the assessment of the area is set out in the consultant's Stage 1 and Stage 2 reports (Background Paper 1). The Kingston Town Neighbourhood Committee report of 24 May 2006 (Background Paper 2) contains a summary of what the character appraisal sets out to achieve, together with proposed amendments to the boundary. Copies of these documents have been sent to Members of the Executive only. The documents are available on the Council's website at http://www.kingston.gov.uk/browse/environment/conservation/conservation_areas/kingston_old_town.htm Under management proposals, the report indicates that both an overall policy and detailed policies have been provided under a series of policy headings, which will be taken forward and included in the draft Area Action Plan for Kingston town centre. The report also indicates that these have been used to inform the ten Character Areas in the Area Action Plan and will provide additional background information for development control. When adopted, the Area Action Plan will replace the Kingston town centre Chapter of the UDP and other policies relating to Kingston town centre. Drawing No. 06/073/M (Annex 1) shows the proposed deletions from the conservation area boundary upon which the public consultation has been undertaken.

RESULTS OF PUBLIC CONSULTATION

4. Details of the format of the public consultation are contained in the report to the Kingston Town Neighbourhood Committee of 24 May 2006 (Background Paper 2).

Kingston Town Neighbourhood Committee Recommendation:

5. The Committee support the Kingston Old Town Conservation Area Character Appraisal (Stage 1) and Management Proposals (Stage 2) and recommend that the character appraisal, management proposals and amended boundary be adopted as shown on Drwg. No. 06/070/M.

Organisations

6. The comments from the organisations consulted are summarised below.

E3

Kingston Town Neighbourhood Conservation Area Advisory Committee (KTN CAAC): Support. However, they disagreed that the John Lewis frontage (Area A) should be omitted. They considered this to be a fine modern building, which is not at variance with the essentially eclectic mix of buildings in the conservation area. In its built quality and its impressive interior it merits respect. In addition they were unhappy with the disconnection this would mean with the historic old bridge landing and the access to the undercroft remains. The CAAC also strongly disagreed with the removal of Guildhall 1, Guildhall 2 and the County Court (Area C1). They considered that the existing buildings represented a defensive zone against inappropriate development which could affect the setting of listed buildings alongside the Guildhall precinct, or have a detrimental impact on views of the Guildhall, by using the more stringent controls available in Conservation Area legislation, particularly in relation to excessive height. Instead they preferred to extend the Conservation Area across St James Road in order to take in the attractive landscaped area in front of Lever House. This would allow for an integrated enhancement of the Hogsmill River through the Old Town.

In the Stage 2 document, the KTN CAAC indicated the need to draw attention to the poor standard of maintenance and inadequate signage of the Coronation Stone and its enclosure. They also emphasised the potential to enhance the Hogsmill River around the Guildhall with planting to soften the concrete walls of the river. In particular, they thought solutions for the removal or extension of the ugly concrete raft over the Hogsmill had not been explored. Finally, they considered a maximum size for satellite dishes should be set at 600mm, whilst mature oak trees in the churchyard of All Saints Church should be changed to limes.

Friends of Kingston Museum: Support. However, they disagreed that the southern elevation to the John Lewis store should be omitted. They considered that this could possibly affect the undercroft and its entrance from the riverside footpath. Later comments indicated that the present boundary provided a protection zone for the churchyard, which should be extended along the river to include the Old Bridge remains. They also opposed the removal of parts of the Guildhall complex (Area C1), in order that the tranquil Guildhall garden can maintain its sheltered character. This is an area where pressure for change would have an adverse impact on the character and appearance of the area.

Mill Street Residents Association: Support. However, they disagreed that parts of the Guildhall complex (Area C1) should be removed, in order to allow the Guildhall and central Gardens to be protected. Instead they preferred to extend the Conservation Area across St James Road in order to take in the landscaped area in front of Lever House. Also, they wished the Three Salmon Sculpture, on London Road, to be relocated to Eagle Wharf Garden.

Kingston Tour Guides: Neutral. However, they disagreed with the proposed boundary changes to exclude John Lewis and 44 Union Street and considered that the Conservation Area should be expanded to include Clarence Street, as far as Marks and Spencer's façade.

London Fire Brigade: Support the proposals

Commission for Architecture and the Built Environment (CABE): No comment

Owners, Occupiers and Businesses within the Conservation Area

7. In reply to the 680 letters sent out to properties and businesses within the conservation area, only 13 responses were received (a response rate of 1.9%). Of these replies, only 1 person disagreed with the detailed Character Appraisal (stage 1) and the Management Proposals (stage 2). In relation to Plan A 'Built Heritage Analysis', and Plan B 'Townscape Analysis', everyone was in agreement.
8. Regarding the proposed boundary changes, on balance people agreed with the changes proposed. However, several respondents indicated that the current boundary formed a logical and coherent area. They argued that the removal of these buildings would mean that new development would not have to comply with the Council's guidelines and policies.
9. Three residents disagreed with the removal of No. 44 Union Street from within the Old Town Conservation Area but gave no reasons for their view.
10. One resident considered that the Bentalls facade should be included as it was visible from the boundary and would add value to the conservation area. He also wished to see the removal of Areas D1 and D2, shown on Drwg. No. 06/073/M Annex 1, as they provide no added value and are not visible from within the remainder of the conservation area. He indicated that the reason they are included is because they form a gateway which could start further north on the High Street.

REVIEW OF THE CHARACTER APPRAISAL, MANAGEMENT PROPOSALS AND PROPOSED AMENDMENTS TO THE CONSERVATION AREA BOUNDARY

11. Public consultation has shown strong support for the character appraisal (Stage 1) and the Management Proposals (Stage 2), including the Built Heritage Analysis and Townscape Analysis, from owners, occupiers and businesses within the area and local amenity bodies and organisations. Several residents and amenity bodies though, have expressed concern about the proposed amendments to the Conservation Area boundary. However, it should be noted that on this issue, the Council have relied on impartial advice from consultants Nathaniel Lichfield & Partners.
12. Several local amenity bodies and residents wished to see the John Lewis frontage (Area A) retained within the boundary. In response the John Lewis store forms an addition to the Conservation Area since its designation in 1971. The building replaced Horse Fair and a block of development to the south of it. The latter was developed following the formation of Clarence Street in the early 19th Century. It is recognised that the store is of some architectural merit in its own right. However, its southern frontage forms an edge to, and an important part of the setting of the Conservation Area rather than being an intrinsic part of the area. Furthermore, if John Lewis were included, it may undermine the Council's height policies by putting added pressure on increasing the scale of any future redevelopment of the Bishops Palace House site.
13. The area to the north of the Kingston Bridge contained by the river's edge, the John Lewis store and Horse Fair has a negligible physical or visual connection to the Conservation Area: the raised roadway forms a well-defined boundary. Whilst this area includes the Undercroft structure to the earlier Kingston Bridge, and is of historic

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relevance to the Conservation Area, the structure itself does not make a contribution to the Area. It is considered that the inclusion of the Undercroft within the boundary would not add to its importance or provide any further protection or additional controls to secure its preservation in the future, as conservation area consent is not required for the removal of these structures from within the building. Therefore the Undercroft needs to rely on the legal agreement with J Lewis, established when Conditional Planning Permission was originally granted, to safeguard its preservation and enhancement. It is therefore concluded that there is no need to extend the Conservation Area in this area and that there is scope to move the boundary southwards.

14. Regarding the Guildhall 1, Guildhall 2 and the County Court (Area C1) , these buildings are on the edge of the conservation area and do not have any particular architectural or historic interest. Similar to John Lewis, Guildhall 1 and Guildhall 2 were both built after the Conservation Area was designated in 1971. Policy BE3 in the Unitary Development Plan states that 'The Council will give special attention to the design of development proposals within or adjoining conservation areas'. This is amplified by CA1 policy in the Stage 2 Management Proposals, which has been included in the draft Area Action Plan for Kingston town centre. This should ensure that any future development or redevelopment on these sites is sensitive to the character and appearance of the Kingston Old Town Conservation Area. Clearly if this area is excluded there would be no strong reason to extend the Conservation Area across St James Road in order to take in the landscaped area in front of Lever House. Furthermore, consideration is currently being given to reducing the designated Thames Policy Area in this location, so that it has the same boundary as the Conservation Area.
15. It is recognised that it would be desirable to enhance the Hogsmill River around the Guildhall, particularly the concrete walls of the river. However, the rapid and frequent fluctuation in the water levels precludes planting in this area. It should be noted that potential solutions for the removal of the ugly concrete raft over the Hogsmill were considered at an early stage in the K+20 Area Action Plan for Kingston town centre. These were discounted on grounds of logistics and cost, as this would involve relocating the Coronation Stone. However, there is a willingness to review this in the long term.
16. Regarding Policy CA 1.19 satellite dishes in conservation areas (Stage 2 document), the Town and Country Planning (General Permitted Development) Order 1995 makes it clear that planning permission to install an antenna is not required, provided that the antenna is not more than 1000 mm in any linear dimension, subject to location. If two antennas are proposed the other should not exceed 600mm in any linear dimension. It is agreed that the oak trees referred to in the churchyard of All Saints Church is incorrect and should be changed to limes. This aspect could be dealt with by supplementary information.
17. In response to the suggestion to include Clarence Street, as far as Marks and Spencer's façade within the boundary, the consultants together with officers looked at this part of Clarence Street, which comprises a mix of architectural styles and building materials from the 19th and 20th century. It was considered that this part of Clarence Street has character including several Buildings of Townscape Merit. However, this

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area has a different character to the Old Town Conservation Area, which is recognised as one of the best preserved examples of a medieval street pattern. Therefore it is disagreed that this part of Clarence Street should be included within the conservation area boundary.

18. In relation to including Bentalls within the conservation area, it is agreed that the early 20th Century façade, which faces the junction with Wood Street and Clarence Street, does form a part of the setting of the All Saint's Church and its churchyard and an important constituent of the setting of the northern part of the Conservation Area. Whilst of similar architectural origin as the Guildhall and of some architectural merit itself, this earlier section of the Bentalls does not reflect the architectural style, form or scale that prevails within the Conservation Area. The frontage forms an edge to the Conservation Area rather than a cohesive part. Therefore the inclusion of the Bentalls Shopping Centre is not deemed vital to the preservation and enhancement of the Old Town Conservation Area.
19. Regarding No. 44 Union Street, its inclusion appears to be an anomaly on the edge of the conservation area. The property forms part of the Eden Walk development on the eastern side of Union Street. Clearly, this building is not of architectural or historic interest and there is a strong case to exclude it from the boundary.
20. Finally, in relation to the Leaping Salmon Sculpture, the Eagle Wharf Steering Group are keen to relocate this sculpture to the Eagle Wharf site, as part of its redesign as a high quality public space.

FINANCIAL IMPLICATIONS

21. Publication costs of providing the guidance.

ENVIRONMENTAL IMPLICATIONS

22. The proposals support the preservation and enhancement of the historic environment and accord with sustainable construction guidance.

CONCLUSION

23. The results of public consultation on the Kingston Old Town Conservation Area strongly support both the Character Appraisal (Stage 1) and Management Proposals (Stage 2). The only area of disagreement concerns the proposed changes to the boundary. However, as demonstrated there are clear arguments in support of amendment of the Conservation area boundary to remove areas A, B and C1. Therefore it is recommended that the boundary be amended as shown.

Background Papers held by Tony Hall, author of the report 020 8547 4652 e-mail: tony.hall@rbk.kingston.gov.uk

1. Reports by the consultant, Nathaniel Lichfield & Partners titled "Kingston Old Town Conservation Area Character Appraisal (Stage 1)" and "Management Proposals Interim Planning Policy (Stage 2)".
2. Kingston Town Neighbourhood Committee report 24 May 2006.
3. Consultation letter, leaflet and responses.

17. ADOPTION OF KINGSTON OLD TOWN CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS, AND BOUNDARY REVIEW **Appendix E**

The Council is currently undertaking Conservation Area Character Appraisals and developing Management Strategies, for the Borough's Conservation Areas. The aim is that the appraisals should assess and clearly define the special interest, character and appearance of the conservation areas and review their boundaries, whilst the management proposals provide detailed policy guidance for their protection and enhancement. In each case the draft Appraisal and Management Proposals will be subject to public consultation before being finalised.

A detailed appraisal of the character and appearance of the Kingston Old Town Conservation Area has been carried out and a set of policies drafted to guide and inform development proposals. Both an overall policy and detailed policies will be taken forward and used to inform the ten Character Areas included in the draft Area Action Plan for Kingston town centre. The Area Action Plan will replace the Kingston town centre Chapter of the Unitary Development Plan and other policies relating to Kingston town centre.

A public consultation exercise was undertaken on six potential amendments to the Old Town Conservation Area boundary, which proposed changes to the boundary and management proposals which outlined some of the key recommendations. Overall, views were supportive, but there was some differences of view about proposed boundary changes. The Kingston Town Neighbourhood Committee supported the proposals.

RESOLVED that

1. the character appraisal, management proposals and amended boundary for the Kingston Town Conservation Area shown in Drawing. No. 06/073/M, be adopted to allow the documents to be incorporated into the K+20 Area Action Plan for Kingston town centre and to provide a material consideration for the purposes of Development Control and any other planning decisions, specifically in the application of UDP policies BE3 and BE4;
2. the owners and occupiers of properties and land within the amended conservation area be notified by letter of the new boundary;
3. a conservation area leaflet be published to follow the existing series of conservation area leaflets; and
4. a report be submitted to a future meeting about the undercroft structure located in the Kingston Bridge/John Lewis Store area of the town centre.

Reason for decision

To preserve the special architectural or historic interest, of the Kingston Town Conservation Area and to allow the adopted documents to be fed into the K+20 Area Action Plan for Kingston town centre.