

PINS LDF Frontloading Visit

Royal Borough of Kingston upon Thames

26 January 2010

Inspector's Note

Preamble

The purpose of the frontloading visit was to consider what has been done so far in the preparation of the Core Strategy (CS) and to identify those matters and questions that seem potentially problematic at this stage in terms of the soundness of the CS. The purpose of the visit was not to test material or confirm the adequacy of the CS or endorse any part of it as sound. This note sets out specific advice for the Council based on the particular circumstances and questions raised and it should not be taken as pre-judging the outcome of the examination of the submitted CS in any way. It does not seek to replicate published guidance or advice and it should be read in conjunction with Planning Policy Statement (PPS) 12, the advice published by the Planning Inspectorate on the Local Development Framework (LDF) examination process and procedures, and the Planning Advisory Service's Plan Making Manual. I would draw particular attention to the recent Planning Inspectorate publication, Local Development Frameworks: Examining Development Plan Documents: Learning from Experience (September 2009) which addresses a number of issues that are relevant to the Council's questions.

Current Position and Overall Timetable leading up to Submission

1. At the time of my visit the consultation period on the Preferred Options document was drawing to an end. It is clear that the Council has given detailed consideration to the timetable leading up to submission of the CS, including the effect of local government and parliamentary elections. The expectation that the CS will be published in January/February 2011 seems robust.
2. I note that the Council is considering whether it should undertake separate public consultation on intended changes to the Proposals Map before the CS reaches publication stage; the main purpose would be to publicise the proposed boundaries of Locally Significant Industrial Sites upon which the public has not yet had an opportunity for comment. However it is not clear to me that any rights would be prejudiced or that a significant risk to programming would be likely to occur if the consultation on the proposed boundaries took place at CS publication stage.

Key Issues

Overall Format and Content of the CS and its relationship to other documents in the LDF

3. There is already an adopted Area Action Plan for Kingston town centre. As well as setting the spatial strategy for the borough as a whole it is proposed that the CS will contain development management policies

(broadly as set out in the Preferred Options document). The current Local Development Scheme (LDS) does not contain any site allocations or other DPDs apart from the Joint Waste DPD. This overall coverage by DPDs may be sufficient for the needs of the borough, depending on the approach taken to the Hogsmill Valley proposal (see below) and if site-specific policy is not necessary to bring forward other elements of the CS, for example its housing provision (see paragraphs 9 and 12 below).

4. Until the Council has completed work on its housing capacity in particular it is difficult to assess whether site-specific or other DPDs may be necessary. The key question that will need to be asked in due course is whether the CS makes clear how the required development will be brought forward through the planning system i.e. as UDP allocations that will be 'saved', as existing commitments, through masterplans based on the detail of a strategic site(s) identified in the CS, or whether more detailed policy is required for particular sites. If more detailed policy is required to implement the CS, a site-specific/area action plan DPD should be the delivery mechanism. I understand that the Council will give further consideration to this matter as the policy coverage of the CS is more fully detailed. In any event, it is important the CS is clear about this matter and that it accords with the LDS.

Hogsmill Valley

5. The Preferred Options document explains the proposal for a major regeneration scheme for public open space/recreation, student housing and other uses around Thames Water's Waste Water Treatment Works (WWTW) in the Hogsmill Valley. This is well-understood by the Council as a high-risk proposal, given the need to secure buy-in from Thames Water, Kingston University and possibly other partners, the particular sensitivity of proposed development on Metropolitan Open Land (MOL), the implications of the joint waste plan for the Athelstan Rd site and other uncertainties including the future home of Wimbledon AFC. A number of potential development options have been included in the consultation document and as uncertainties are resolved it should be possible to narrow-down these options. In principle I see no reason why the Council should not have confidence in bringing forward this proposal, seeking the support of the Greater London Authority in particular for the MOL aspects, provided that the Council is able to justify the scheme as an integrated part of the CS and it is supported by proportionately detailed evidence.
6. The Council still needs to decide whether it would be more appropriate to treat this as a strategic site in terms of PPS 12, with the necessary level of detailed policy in the CS and an underpinning evidence base, or whether to rely on a future site-specific or AAP DPD to bring forward the scheme. If the strategic site approach is selected, the implementation detail could be set out in a supplementary planning document. In my view a strategic site approach could be justified, given the importance of the proposal for the overall spatial strategy. The likely timescale for overall development of the area and phasing of particular elements may also be relevant factors in this regard.
7. However the Council will need to consider carefully whether the necessary policy specificity and supporting evidence that would be

required for a strategic site approach can be achieved within the timescale for publication of the CS. This would require that the site is clearly defined on the Proposals Map, including any proposed boundary changes to MOL. As an alternative, it may be more appropriate for the CS to identify the area as a broad location for particular uses, giving as much detail as possible about the quantum/siting/phasing of particular elements, and making clear that the detailed proposals and detailed changes to the Proposals Map, including the precise alteration to the MOL boundary, would be brought forward through a subsequent DPD. The only consequential amendment to the Proposals Map that would be required at CS stage would be a symbol or other general notation identifying the broad location, cross-referenced to the CS policy. However it is important to emphasise that even with the broad location approach it would still be necessary for the CS to establish the justification in principle to bring forward changes to the MOL boundary. Using the Green Belt analogy, the very special circumstances should be demonstrated at CS stage. Whichever approach is selected, the general advice applies that a CS should be realistic and deliverable, acknowledging any significant risks and setting out contingency measures where appropriate.

8. I am not aware of any close comparisons to the Hogsmill Valley proposal in other adopted CS DPDs that might help the Council. Nonetheless, even though it concerns a town centre/mixed use scheme, it could be useful to look at the way in which Crawley Town Centre North was brought forward as a strategic site in the Crawley CS. However I would not suggest that the other site-specific allocations in that CS should be used as a guide.

Overall Housing Provision and Affordable Housing

9. The Preferred Options document looks to 2016/2017 only. Clearly this will need to be extended so that the CS makes provision for at least 15 years from the intended date of adoption. On the face of it this indicates that there is still considerable work to be done and perhaps difficult questions still to address. However the Council seems confident on the basis of on-going work that it will be able to identify much of the full 15 year supply, minimising any reliance on unidentified sites in the latter part of the plan period. It is helpful that the Preferred Options document includes a table setting out which areas of the borough will deliver the anticipated housing numbers; an expansion of this table for the plan period would be appropriate in the publication CS.
10. Some work has already been done at housing market area level to test the viability of the requirements for affordable housing provision but this will need to be supplemented to ensure that it provides a sound basis for the CS policies. It is not sufficient to make policy targets and thresholds subject to viability, as Preferred Policy TP18 currently sets out, if there is no evidence that they are likely to be viable in a range of scenarios.
11. Generally the Preferred Options document gives relatively little attention to housing provision compared with other topics. This is surprising given the importance of the matter but it will no doubt be addressed as the details for the 15 year period are included and as

editing of the document achieves a more consistent approach throughout.

Gypsy and Traveller Accommodation

12. The Council is aware that more work needs to be done to ensure that the CS sets the context for the supply of the required number of sites. There are issues about unauthorised sites that need to be resolved and until then it will not be clear whether a site allocations DPD may be required to bring forward a new or expanded site.

Infrastructure Planning and Delivery

13. In general the Preferred Options document has a strong focus on supporting infrastructure and how it will be delivered. The infrastructure delivery plan is still at draft stage and on-going work will provide further detail to inform the CS. Nonetheless, it will be important to ensure that the publication CS advances the delivery of the necessary infrastructure, including taking into account how infrastructure will be funded and any associated viability issues. It is accepted that the level of detail that can be provided for the later phases of the plan period may be quite limited but for the first five years at least there should be reasonable certainty about the infrastructure requirements and how they will be delivered.

Area-based Policy and Implementation in General

14. The area-based policies in the Preferred Options document have a commendable focus on implementation. The proposals for the Tolworth Area of Change are a good example of this approach and the Council will wish to retain this focus in the submission CS. But also, given the extent of reliance on longer-standing commitments in Tolworth, it is worth re-iterating that any significant commitments upon which the CS relies need to be re-evaluated so that they can be justified in terms of deliverability, viability etc. It is helpful for the CS to spell out where further guidance e.g. SPD and/or broader initiatives may be required to assist implementation. The Tolworth section of the Preferred Options document appears strong in this respect.

Renewable Energy and Sustainable Construction

15. I understand that the thresholds for Preferred Options Policy TP2 on decentralised energy will rely on the London Plan policies. The Council should satisfy itself that the underpinning viability assessment is up-to-date and relevant to the borough's circumstances, in which case separate supporting evidence on viability is unlikely to be required at borough level.
16. I understand the Council's ambition to encourage improvements to the sustainability of the existing housing stock through the planning system. However there is no sound CS policy that I am aware of in this regard. I understand that Basingstoke, Hart and Rushmoor have done some joint initial work on a policy which would require a condition to be attached to house extension approvals, specifying that at least 10% of the cost of the extension must be spent on making the main house energy efficient. But there are doubts about whether such a condition would pass the test of reasonableness in Circular 11/95 since

it would not relate to the development that is the subject of the application.

17. Another initiative under consideration (although not yet in policy form) that I have been told about is improving the energy efficiency of existing housing stock by requiring payments from developers of new housing into a central fund to be used for that purpose. However the substantive evidence to support such a policy has not been developed, including how the fund would be spent, programmed and generally overseen. It seems that the tests for S106 obligations (in particular, reasonableness and related to the development tests) might be difficult to satisfy.

Evidence Base in General

18. Subject to the comments above there appears to be a good evidence base underpinning the CS and the Council has proposals to fill identified gaps. A number of important pieces of work are on-going including the Borough Character Study and I see no reason in principle why this should not provide a positive underpinning of the CS, identifying the distinctive qualities of the borough and its capacity for growth and change.
19. A refresh of the retail evidence base should be sufficient, given the work that was undertaken in 2003 and 2006. In my view the Council need not seek out retail projections for the next 15 years since these would not be robust. Instead the CS could refer to an intention to review the retail study in say, 5 years time, to assess whether any policy changes are required.

Other Comments

20. Overall, the Preferred Options document presents a clear vision and the area policies are effective in spelling out how the vision will be implemented with reference to the key partners in delivery. It is however a large, complex document. While this is partly due to inclusion of material about options development and consultation outcomes that will not be required in the publication CS, I would suggest nonetheless that the Council strives to produce a more concise document, ensuring that repetition between the thematic and area policies is avoided. The overall aim should be to strengthen the spatial messages of the document. National planning policy should not be set out in a DPD and there will be no need to summarise how the CS evolved to the publication stage – that can be explained in the supporting evidence.
21. Employment issues and the aim for a better match between jobs and the resident workforce are obviously important factors in the CS. It might therefore be helpful to include more detail on employment targets for the borough and provide a summary table setting out the employment land supply (quantities and broad locations) over the plan period.
22. The cross-boundary transport issues are particularly challenging given poor connectivity of public transport services between the borough and the adjacent parts of Surrey. In this context the CS can usefully highlight the need for more joint working on transport policy and

implementation. Following preparation of a transport strategy for London, the Council is preparing its draft strategy (LIP2) by the summer of this year which will help to inform the CS. That said, there may be scope for a more concise approach to travel and traffic management policies in the CS, given that the Preferred Options document contains 5 policies on the matter. It is not clear how the policy to encourage efficient, safe and sustainable freight transport will be implemented.

23. In my view the integration of health issues into the CS is a strong point and Policy TP24 of the Preferred Options is a positive approach to health/spatial aspects.
24. It is clear that the monitoring framework set out in the Preferred Options document is evolving and will be refined by CS publication stage. It would be helpful to include quantified targets where possible in the Implementation and Delivery section of the document. They could be 'stepped', seeking gradual improvement over the plan period. This would also provide for more effective monitoring of the plan.
25. On a minor point, I note that the reference in the Glossary to independent examination of the Statement of Community Involvement requires correction.

Mary Travers

Inspector