

Briefing note

December 2008

Royal Borough of Kingston upon Thames UDP: Saved UDP policies

Further to the resolution made at the Executive on 22 January 2008 to apply to the Secretary of State to save UDP policies beyond August 2008 this note provides an update with regard to the outcome.

Background

Under the Planning and Compulsory Purchase Act 2004 the Council is required to replace the UDP with a Local Development Framework (LDF), and work is progressing in this respect. However, until the LDF is prepared and its policies come into force the Act makes provision for Councils to retain their UDP policies.

Policies that were unchanged in the 2005 UDP Alteration were automatically saved until August 2007. An application to save relevant policies was made to the Secretary of State in March 2007, and all were subsequently agreed (and thus saved).

Policies that were altered by the 2005 UDP were automatically saved until August 2008. Following a review to determine which should be saved, an application was made to the Secretary of State in February 2008 (following an Executive decision). Subsequently the Secretary of State issued a direction in August 2008 outlining which UDP policies are to be saved.

Outcome

The Secretary of State direction was largely in accordance with the Council's request, and therefore the majority of policies from the UDP's 2005 alteration have been saved. The report to Executive in January 2008 recommended saving most altered policies from the UDP, but recommended that some 5 policies could be deleted. The Secretary of State has deleted these policies, and has in addition deleted a further 8 policies. The reasons given are that either the policy was no longer in general conformity with the regional spatial strategy (the London Plan) and/or raised potential conflicts with PPS3 (national planning guidance for housing). The deleted policies are listed below with the Secretary of States reasoning.

Deleted UDP Policy

Reasoned Justification

STR1 Housing Supply

Not in general conformity with the London Plan that now sets new targets that supersede those in the UDP

STR2 Residential Development

Not in general conformity with the London Plan
Potential conflicts with PPS3 see details in Implications for Kingston below

H5 New Residential Development

Not in general conformity with the London Plan
Potential conflicts with PPS3 see details in Implications for Kingston below

H6 Residential Density

Not in general conformity with the London Plan
Potential conflicts with PPS3 see details in Implications for Kingston below

STR10 Sustainable Energy, Minerals and Waste

Not in general conformity with the London Plan and refers to guidance that is now superseded in the London Plan.

MW4 Renewable Energy and Energy Recovery

Considered unnecessary and repetitive, and not in accordance with national or regional policy. London Plan policy now requires 20% renewable energy and supersedes UPD policy guidance.

The GLA also requested deletion of Policy H9 regarding low cost and affordable housing and policy MW1 that relates to the development of waste management facilities. Following a challenge and a justification from RBK Officers these policies have now been saved.

Kingston Town Centre : Area Action Plan

We have been advised that on adoption in July 2008 the AAP policies replaced UDP policies for Kingston town centre and therefore these UDP policies ceased to exist from that date. Kingston's 'development plan' therefore comprises saved policies in the UDP and policies in the Kingston Town Centre AAP, together with relevant London Plan policies.

Implications of policy deletions for Kingston.

Attached to this briefing note at Appendix 1 is a schedule of all saved/deleted UDP policies.

It is not considered that the policies now deleted will lead to significantly less control over development in the Borough. The most significant policy deletion is to Policies H5 and H6 regarding residential development and density. However a number of other policies remain in the UDP that will enable the Council to ensure that new development is of appropriate scale and massing. In Appendix 1 we identify the UDP, LDF (ie K+20 policies) and London Plan main policies that should be referred to instead of the deleted UDP policies.

The reasoning behind the deletion of Policies H5 and H6 is understood to relate to the references to density. Guidance in PPS3 (Housing) states that authorities should set out a range of densities across the plan area rather than one broad density range and that 30 dwellings per hectare should be used as a national minimum. In addition London Plan policy guidance seeks to maximise intensity of use compatible with local context, design principles and public transport accessibility. Boroughs should adopt density policies that accord with the density ranges in the London Plan density matrix (extract attached). The London Plan forms part of the Development Plan along with the UDP and LDF and its policies should be applied in development control decisions where appropriate.

Recent Planning Inspectorate decisions on planning appeals indicate that Policy H6 has been given scant consideration. This approach is consistent with government advice in PPS1 and PPS3 which indicate that good design is fundamental to using land efficiently and that planning policies should not seek to rigidly apply prescriptive density figures.

Housing

3A.3 Maximising the potential of sites

The Mayor will, and boroughs should, ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Boroughs should develop residential density policies in their DPDs in line with this policy and adopt the residential density ranges set out in Table 3A.2 and which are compatible with sustainable residential quality.

The Mayor will refuse permission for strategic referrals that, taking into account context and potential transport capacity, under-use the potential of the site.