

17 October 2016

In the Royal Borough of Kingston upon Thames

Direction of Travel for the Royal Borough of Kingston upon Thames - Adoption

Direction of Travel approval

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Strategic issues

This direction of travel document deals with the following strategic issues:

Town centre intensification, growth around transport nodes, Crossrail 2, housing and social infrastructure, open space and transport.

Recommendation

That the Mayor endorsed the Direction of Travel for Kingston upon Thames document for adoption.

Context

1 On 25 May 2016 the Mayor considered report D&P/Kingston OAPF/01 and approved consultation of the draft Direction of Travel for Kingston upon Thames document.

2 The document was consulted on for 8 weeks over the summer of 2016. After which the draft Direction of Travel document was amended by the project team (GLA and RBK officers).

3 On 11 October 2016 Kingston Council's Growth Committee agreed to formally adopt the Direction of Travel for the Royal Borough of Kingston upon Thames subject to the Mayor also adopting the document.

Background

4 Kingston Town Centre is identified in paragraph A1.4 of the London Plan Appendix as an emerging opportunity area. It states "The Mayor is working with boroughs and other partners to identify, assess and realise the potential for new Opportunity and Intensification Areas in terms of Policy 2.13 including... the Royal Borough of Kingston upon Thames (Kingston Town Centre).

5 Growth in the borough is not however dependent upon the designation of an opportunity area. The London Plan (Policy 2.15) seeks to direct development and intensification, including residential to London's network of town centres and other areas of good public transport accessibility. Policy 2.7 expands upon this and seeks to work with boroughs to identify and bring forward capacity in and around town centres with good public transport accessibility to accommodate leisure, retail and civic needs and especially higher density housing.

6 Preparation on the Kingston Town Centre OAPF started in June 2015 as a joint project between the GLA, TfL and Kingston Council. The project is steered through a Kingston Opportunity Area high level strategic board which includes the Deputy Mayors Jules Pipe and James Murray, the leader of Kingston Council Councillor Kevin Davis and senior managers from the GLA, TfL and Kingston Council.

7 Whilst the final Crossrail 2 route has not been fixed all of the 10 train stations in borough are identified as Crossrail 2 stations on the proposed route which was consulted on earlier this year. The National Infrastructure Commission has recently reported overwhelming support for Crossrail 2, making specific reference to Kingston and Tolworth town centres as major opportunities for significant new housing development. Many of Kingston's centres are already served by public transport and would therefore represent opportunities for enhanced growth in homes and jobs even without the added opportunity of Crossrail 2.

8 In response to the opportunities Crossrail 2 will bring to the borough and to capture the development already coming forward around Tolworth and New Malden the strategic board agreed in April 2016 to expand the scope of the OAPF beyond that of Kingston Town Centre to include Tolworth, Chessington and New Malden.

9 In advance of the Kingston OAPF and new Local Plan the strategic board also agreed to produce a Direction of Travel for Kingston upon Thames document. The purpose of this document is to highlight the intention to designate parts of the borough an opportunity area, to identify areas for intensification and development and to provide clarity to residents, developers and landowners on the process being undertaken to produce a Growth Strategy for Kingston and the associated statutory planning framework. The purpose of which is to realise the potential of the borough and emerging possibilities associated with Crossrail 2 to provide new homes, jobs and investment in the borough.

10 Whilst growth is expected around all of the proposed 10 stations in the borough. The areas identified in the document are expected to have opportunity for bigger or more transformational change should they become Crossrail 2 stations.

11 Chessington has been identified as a long term area of opportunity linked to the arrival of Crossrail 2 in 2030. The Hogsmill Valley is likely to provide opportunities for growth in the medium term dependant on the requirements of the Council's waste facilities, Thames Water and an assessment of the Metropolitan Open Land. Whereas Kingston Town Centre, the Cambridge Estate, New Malden and Tolworth have been identified as areas of immediate opportunity for intensification. Whilst intensification in these immediate areas is not dependent on Crossrail 2, development proposals in these areas should plan for its arrival.

Consultation process and responses

12 The draft Direction of Travel was consulted on for 8 weeks between 24 June 2016 and 29 August 2016. The consultation process was led by Kingston Council who consulted approximately 2000 stakeholders including statutory consultees. A press release was also sent to the local press and the document was published on both the Council and GLA website. Copies of the document were available at 7 libraries and all GP surgeries in the borough. The Council also undertook 8 drop in engagement events throughout the summer.

13 A total of 219 responses were received by the Council, 5 of these were also sent directly to the Mayor. The responses were compiled by Kingston Council and analysed by both GLA and Kingston Council officers. Kingston Council has prepared a consultation statement which sets out a summary of all the responses received and where appropriate, the amendments to the document in response to the consultation.

14 A range of issues were raised through the consultation. Most concerns related to the scale of growth and intensification, the impact on the character and heritage of the borough, protection of Green Belt and Metropolitan Open Land, affordable housing, supporting social infrastructure, transport and congestion.

Changes to the document

15 Following the consultation the document has been amended as follows:-

- General formatting and updates including making maps and keys clearer, checking the positioning of layers and updating population statistics,
- Adding Hogsmill as a notable key place to the Kingston places map,
- Expanding on the section regarding the Outer London Commission,
- An extra sentence regarding the importance of affordable housing in a rising population,
- Including Eden Walk in the 'story so far' spread,
- Adding a number of Environment Agency schemes to the infrastructure improvements map,
- An additional bullet point to all sub areas emphasising that growth must balance the unique heritage and character of the borough,

- In the town centre sub area a bullet point on the potential for enhancing and improving the educational facilities,
- A bullet point in the Berrylands and Hogsmill sub area emphasising the importance of the Hogsmill ecology.

Legal considerations

16 There is no specific power authorising the making of supplementary planning guidance by the Mayor. It is produced as incidental to the Mayor's planning functions, in particular the London Plan under section 334 and his general powers as set out in sections 30(1) and 34 of the Greater London Authority Act 1999 ("the Act"). The Mayor must prepare the London Plan in accordance with section 334, which sets out his general policies in respect of the development and use of land in Greater London. Section 30(1) sets out the general power of the Authority to do anything that it considers will further any one or more of its principal purposes, including promoting the improvement of the environment in Greater London. This is supplemented by a subsidiary power contained in section 34 of the Act which gives the Authority acting by the Mayor, by the Assembly, or by both jointly, the power to do anything which is considered to facilitate, or is conducive or incidental to the exercise of any of the functions of the Authority exercisable by the Mayor or, as the case may be, by the Assembly or by both acting jointly.

17 Section 334 of the Act requires the Mayor to prepare and publish the London Plan. Section 339 of the Act requires the Mayor to keep the Plan under review, especially matters which may be expected to affect the development of Greater London or the planning of its development. This SPG supports the implementation of the London Plan and as such may reasonably be regarded as facilitating, being conducive or incidental to the exercise of the powers detailed above.

Human Rights

18 As this document seeks to provide planning control guidance which could make development more difficult and as such affect property owner interests, Article 1 of the First Protocol of the European Convention of Human Rights is relevant. This provides that

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

19 The courts have held that there is a wide margin of appreciation in determining what is in the general interest of the community so long as the control is in accordance with the law, as in the case of this guidance, and proportionate.

20 Section 30(4) of the Act provides that, in determining whether or how to exercise the power conferred by section 30(1), the Authority shall have regard to the effect which the proposed exercise of the power would have on each of the following:

- (a) the health of persons in Greater London;
- (aa) health inequalities between persons living in Greater London;
- (b) the achievement of sustainable development in the United Kingdom;
- (c) climate change, and the consequences of climate change.

21 Section 33 of the Act further provides that the Authority shall make appropriate arrangements with a view to securing that in the exercise of the power conferred on the Authority by section 30, there is due regard to the principle that there should be equality of opportunity for all people.

Equalities duties

22 The GLA, when acting by the Mayor must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not under section 149 of the Equality Act 2010. This may involve, in particular, removing or minimising any disadvantage suffered by those who share a relevant protected characteristic, taking steps to meet the needs of such people; and encouraging them to participate in public life, or in any other activity where their participation is disproportionately low, including tackling prejudice and promoting understanding. The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Compliance with the Act may involve treating people with a protected characteristic more favourably than those without the characteristic.

23 The proposed consultation version of this DoT document as attached supports the equalities objectives of the London Plan and existing London Plan policy by providing guidance on the implementation of Policies 2.6, 2.7, 2.15 and 2.16. The policies of the London Plan have been subject to a full Equality Impact Assessment and previous reports to the Mayor on the London Plan have demonstrated that the Plan's policies and proposals comply with the Mayor's equalities duties. Officers consider that this OAPF does not raise any new equalities considerations.

Financial considerations

24 There are no financial considerations at this stage.

Conclusion

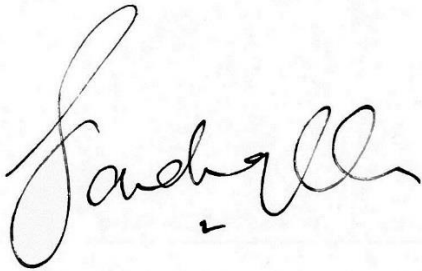
25 The Direction of Travel for Kingston upon Thames has been prepared in partnership with Kingston Council and is a precursor to the Council's new Local Plan and a full Opportunity Area Planning Framework.

26 This framework is in general conformity with policies in the London Plan and other mayoral strategies. It promotes and amplifies the Mayor's vision for London as a global world city with economic, equitable and sustainable growth.

Recommendation

27 That the Mayor endorses the Direction of Travel for Kingston upon Thames document for adoption.

Signed:



A handwritten signature in black ink, appearing to read "Sarah All", is centered on a light grey, textured rectangular background.

17 October 2016

Stewart Murray, Assistant Director - Planning

020 7983 4271 email stewart.murray@london.gov.uk

Colin Wilson, Senior Manager - Planning Decisions

020 7983 4783 email colin.wilson@london.gov.uk

Darren Richards, Strategic Planning Manager (Opportunity Areas)

020 7983 4287 email darren.richards@london.gov.uk

Kim Tagliarini, Principal Strategic Planner - Planning Decisions

020 7983 6589 email kim.tagliarini@london.gov.uk
