Purpose
To respond to a Community Call-in of a decision of the Growth Committee at its meeting on 23 November 2016 in respect of the Cocks Crescent Supplementary Planning Document.

Recommendation
The Council is recommended to determine how it wishes to respond to the Community Call-in of the Growth Committee decision in respect of the Cocks Crescent Supplementary Planning Document with reference to the options set out in paragraph 9 of this report.

Key points about the Cocks Crescent SPD decision
A. The Cocks Crescent Supplementary Planning Document (SPD) (ref. Annex 2 in separate pack), is a community-led document that sets out a planning framework to guide the redevelopment of Cocks Crescent in New Malden.

B. The SPD has been prepared to guide the redevelopment of Cocks Crescent with the goal of achieving comprehensive regeneration of the site and delivering maximum community benefit. It is in-line with the London Plan (2016) and the Council’s existing Development Plan which includes the Core Strategy (2012).

C. Once adopted by the Council, the Cocks Crescent SPD will have a key role in shaping future development proposals on the site and will carry material weight for consideration as part of decision making in Development Management.

D. The SPD has been developed with significant community input and sets out a shared vision for the future redevelopment of the site. In particular, the New Malden Future Group has played a pivotal role in supporting engagement and helping shape the SPD so that it reflects local aspirations.

E. The overall engagement process carried out for the SPD comprised of three stages of engagement, concluding with formal consultation carried out over summer 2016 for an eight week period from 1 July - 29 August 2016:
   - Stage 1 (summer 2015) - high-level engagement issues and aspirations
   - Stage 2 (autumn-winter 2015) - detailed engagement design options
   - Stage 3 (summer 2016) - formal public consultation

F. During the stage 3 consultation period, a total of 463 responses, detailing over 6,000 individual comments, were received.

G. The SPD has been described as ‘community-led’. There may be sections of the community who feel they have not been sufficiently consulted, regardless of all attempts otherwise. All responses received have been transparently assessed with consideration for inclusion fully explained and detailed within the Statement of Consultation (ref Annex 3 in supplementary pack).

H. A number of important changes were made to the SPD that recognised both consultation responses and some general updates that were required.
Growth Committee decision on the Cocks Crescent SPD

1. On 23 November 2016, the Growth Committee considered a report on the SPD. The following papers submitted to that meeting are reproduced with this agenda for Members information:
   - Cover report November Growth Committee (attached here as Annex 1)
   - Cocks Crescent SPD (Annex 2 in the supplementary pack)
   - Statement of Consultation (Annex 3 in the supplementary pack)

Annexes 2 and 3 have been provided in the Supplementary Pack which will be available in Group Offices, in libraries and on request - there are also links within this report to both these Annexes - please note that these links are to the original published papers in which the SPD was Annex 1 (rather than Annex 2) and the Statement of Consultation was Annex 2 (rather than Annex 3).

The other documents submitted to the November meeting of the Growth Committee, namely the response to the public consultation, and a tracked changes version of the SPD, can be found online on the following link (labelled as Annexes 3 and 4 to the November agenda):


In addition, this report also refers to the Council’s Call-in procedure (attached here as Annex 4) and details of amendments relating to height and scale (Annex 5).

2. An Executive Summary of key points in relation to the SPD decision is set out below in the section entitled ‘executive summary’, from para 5 to 9, of this report.

3. The decision of the Growth Committee on that item (as set out in item 32 of the minutes of that meeting) was as follows:

   Resolved that:

   a. the Committee notes the consultation responses received and the consequential modifications made to the SPD;

   b. the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Regeneration, is given delegated authority to make factual amendments to the Cocks Crescent Supplementary Planning Document;

   c. the Cocks Crescent Supplementary Planning Document, as set out in Annex 1 of the report, is adopted;

   d. in advance of a planning application on Council owned land a comprehensive masterplan will be produced in consultation with local residents; and

   e. the wording within the SPD that guarantees the delivery of a new sport and wellbeing hub will be agreed in consultation with both the Portfolio Holder for Regeneration and Opposition Spokesperson for Regeneration prior to its publication.

Voting: Unanimous.

4. The report to and minutes of the Growth Committee on 23 November 2016 are public documents and can be viewed in their entirety on the following link. Cocks Crescent SPD is agenda item 6:

https://moderngov.kingston.gov.uk/ieListDocuments.aspx?CId=610&MId=8061&Ver=4
Executive Summary: Community Call in of ‘Cocks Crescent SPD’ decision

5. A Community Call-in of the decision of the Growth Committee on 23 November 2016 in respect of the Cocks Crescent Supplementary Planning Document was received on 19 December 2016. The Call-in was supported by 713 signatures (in a combination of hard copy and electronic form). It was delivered by James Giles, a representative of the Malden Independent Community Organisation (MICO). The Call-in has been assessed as valid in accordance with the Council's constitutional arrangements.

6. The terms of the Call-in were as follows:

‘We, the undersigned, call in item 6 from Growth Committee on 23rd November. “Cocks Crescent SPD” for review at Full Council for the following reasons’.

7. There were 11 reasons given by the organisers for the Community Call-in and these are listed from paragraph 10 below in italics.

8. The Council’s procedure relating to Community Call-ins is attached at Annex 4 to this report. The procedure indicates that Council shall consider a call-in as soon as possible, and, wherever practicable, at its next Ordinary meeting. In this instance it was not considered feasible for the Call-in to be submitted for debate to the meeting of Council on 28 February because of consideration of the Budget at the same time. It is therefore now presented to this meeting.

9. The procedures provide for a representative of the signatories to the Call-in the opportunity to address the meeting on the subject for a maximum of five minutes. A further period of up to ten minutes shall be allowed for questions and answers. These time periods may be extended by resolution of the Council. The Council may agree a response to the call in or establish a time limited Task and Finish Group to which the matter can be referred for further consideration. The options available to the Council are therefore to:

i. reaffirm the decision of the Committee OR
ii. modify the decision of the Committee OR
iii. overturn the decision of the Committee OR
iv. refer the decision back to the Committee for further consideration OR
v. refer the decision of the Committee to a Task and Finish Group for further consideration

Response of the Director of Place to the Community Call in

10. A detailed response by the Director of Place to the 11 reasons given for the Community Call-in is provided below. Each reason has been categorised into specific issues:

(A) **Height and scale (Reasons 1, 2, 3, 5, 6 and 11)**

“(1) A significant number of residents opposed the ‘height and scale’ section of the Cocks Crescent SPD – 33% of whom strongly opposed! Opposition was far stronger than support (45% vs 33%).

(2) Despite this, the Council has not amended the Height and Scale in any way, indicating a sham consultation with the Council ignoring its residents.

(3) Opposing the ten-storey tower blocks in the ‘height guide’ which are far too high and out of keeping with the local area in Cocks Crescent and Blagdon Road.
NO GUARANTEES ON THE PRECISE LOCATION OF PLANNED 10-STOREY TOWER BLOCKS within the Cocks Crescent and Blagdon Road area.

NO GUARANTEES ON HOUSING DENSITY in the Cocks Crescent and Blagdon Road area.

Beverley Ward Councillors ignoring their residents who are in firm opposition to the height, scale and density of future residential development in Cocks Crescent.”

A number of changes were made to the SPD in response to the consultation responses. These amendments are set out in (Appendix 3 of) Annex 3 (Supplementary Pack). In addition to this, the resolution at Committee was amended to require a master-planning exercise to be carried out and a masterplan produced prior to development of the site. This additional work, and associated cost implications, were agreed to in direct response to the consultation and community feedback at Growth Committee.

Having given due consideration to the concerns expressed by the community in relation to height and scale, the Council considered and discounted a number of approaches for the following reasons:

a. Remove the height and scale section - this would fail to provide guidance in relation to what is a key issue which would clearly benefit from guidance. It would also be likely that substantially taller developments would come forward, particularly in the context of a planning permission on the site for a 12 storey building.

b. Reduce the height and scale set out in the text - such an approach would fail to optimise the development capacity of the site. Such an approach could:

i. jeopardise the feasibility of provision of the new leisure centre, pool and/or public square by failing to provide sufficient development value uplift to pay for this community infrastructure;

ii. fail to make an appropriate contribution towards meeting Kingston’s housing targets on this substantial brownfield site; and

iii. fail to make adequate contribution towards affordable housing, which further constrains the supply of appropriate housing for those who cannot access market housing including vulnerable families and households and those who currently live and work in the borough, contributing towards the community.

It is noted that the site already has planning permission for a 12 storey building. In this context, and in assessing the capacity, surrounding character and other prevailing heights in the area, alongside the need to optimise development capacity on the site, it was considered that an upper height guide of 10 storeys was appropriate on the site.

The Council is mindful of the communities’ expectations in terms of other provision on the site such as a new leisure centre including a swimming pool and a new public square, with the infrastructure for activities such as a farmers’ market. The Council has given a clear commitment to the provision of these community facilities during the course of the SPD development, and specifically at Growth Committee. Until detailed design work has been completed, and matters such as meeting the Council’s affordable housing requirements have been resolved, there is only an approximate estimate of the housing capacity needed to support that community.
infrastructure. This relationship between the scale and massing of development on the site, and the provision of the new community infrastructure has been a thread running through the entire SPD development process. As noted in the meeting minutes (item 32):

‘It was also the view of the majority of the Committee that the height and scale strategy sets out opportunities for building heights within the site that give due regard to the surrounding context. The Committee noted that overly restrictive height guidance within the SPD may serve to discourage applications that could otherwise deliver the high quality public realm improvements that the area requires’.

15. Regardless of the indicative height guide published within the document, there are also clear requirements that will act to constrain the development, including the need to relate to the local context and character as per existing Core Strategy policies. As noted above, the additional resolution at Committee to include a master-plan will provide much greater direction in terms of the height and scale at a detailed level, in a way which would not be appropriate within an SPD. Should a ten-storey building be appropriate, this will be set out in the masterplan.

16. Amendments were made to the document following formal public consultation to provide clear advice on the density appropriate on the site, as set out on page 14 of the SPD (Annex 2 in Supplementary Pack) under the ‘London Plan’ heading and on page 29, 3rd bullet. These densities are appropriate in the context of this site, and as established following a public examination for the first London Plan published in 2008. It is noted that the London Plan is also part of the statutory development plan for the site. As our own Core Strategy does not have an alternative local policy, this is the appropriate density. It is unclear what would be sought in terms of a ‘guarantee’ however the density range appropriate for the site is clearly stated in the SPD.

(B) Infrastructure

“(4) Increased pressure on infrastructure has not been taken into account within the Cocks Crescent SPD – putting stress on schools, doctors and other vital services in New Malden town centre.”

17. The section on page 33 of the SPD (Annex 2 in Supplementary Pack) clearly sets out how increased pressure on infrastructure will be mitigated, in accordance with the relevant legislation and regulations.

(C) Open Space

“(7) NO GUARANTEES for the safety of Blagdon Road open green space in its current form.”

18. Page 24 of the SPD (Annex 2 in Supplementary Pack) states that any reconfiguration of the existing open space will be subject to no net loss of open space over the site as a whole, and would deliver better quality open space and a better overall development outcome. These safeguards provide the flexibility to deliver the best possible option for the site overall. The Council is not guaranteeing the Blagdon Road open space will be retained in its current form because it wants to improve it (for all users) and allow for the best possible layout on the site, including the other benefits the site will bring to the community in the form of a new leisure centre and swimming pool and a new public square.
19. Amendments were made to the document following formal public consultation (Appendix 3 in Annex 3 in Supplementary Pack) to further emphasise the value of the Blagdon Road open space to the local community as well as the importance of creating a safer and more user-friendly environment.

(D) **Transport and air quality**

“(8) No strategy to mitigate against increased traffic and congestion in the local area, with very little parking for new residential units.

(9) No guarantees on routes for site access – during years of building work and beyond.

(10) No guarantees on impacts of increased pollution and the result on air quality.”

20. The **SPD (Annex 2)** sets out a clear strategy on pages 27 and 28 of the document. This includes prioritising transport modes other than private vehicles, particularly pedestrians and cyclists, which will reduce traffic impacts. It also notes the need for further detailed design to improve access and traffic movement in relation to the site itself. The transport impact arising directly from development of the site will be moderate, particularly as compared to the background traffic increases expected over the next 10 years, albeit that added to expected background traffic growth, the impact will be noticeable if no mitigations are put in place. It is noted that Transport for London have not raised objections. Measures will be required to mitigate the 10 year projected traffic increases (both with and without development on the Cock’s Crescent site) in terms of travel demand and parking management to ensure modal shift, and changes to the local highway network. In the longer term, if Crossrail 2 proceeds as scheduled, it will provide significant additional capacity to New Malden from 2033.

21. It is noted that a partly brownfield and under-used site will always generate less traffic than a developed site: this does not mean the site should remain in its current state, and this would not benefit New Malden. This is a significant development opportunity with good accessibility and it is these types of sites that should be promoted to provide the homes and other uses that are needed. Traffic impacts from these sites within and near town centres and with a mainline station within walking distance will be significantly lesser than alternative sites in the borough that do not enjoy such good accessibility. It is crucial to ensure the impacts are avoided and mitigated to the greatest extent possible, rather than not progressing development.

22. Detailed consideration of transport impacts would also be part of consideration of any planning application for the site, including appropriate mitigation measures. A Construction Management Plan would be required as part of a planning application.

23. The car parking standards are established in the London Plan and were subject to a public examination in October 2015. The publication of these parking standards, and as part of the statutory development plan for Kingston, take precedence over the Council’s own parking standards set out in the Sustainable Transport SPD.

24. Poor air quality is closely related to transport use, with the biggest impact arising from the A3, in the stretch of road to Fountain Roundabout, and to a lesser extent, along the B2043 towards Kingston. The focus on modal shift rather than creating more capacity in the highway for more vehicular traffic will minimise air quality from local transport emissions. Improved vehicle technology (less diesel vehicles, more hybrid and electric vehicles), car clubs and other future technologies will all
contribute to improving air quality. As with traffic generation, planning policy focuses on avoiding and mitigating adverse impacts rather than preventing development on accessible, town centre sites.

Author of the report, Lisa Fairmaner, Strategic Planning Group Manager
lisa.fairmaner@kingston.gov.uk

Background papers: None