Growth Committee
6 February 2018

Draft new London Plan
Report by Group Manager for Strategic Planning

Purpose
To advise the committee of the key content of the Mayor of London’s draft new London Plan and set out some of the key implications for the Royal Borough of Kingston Upon Thames to facilitate a discussion which will help inform the response to the Mayor of London.

Recommendations of the Portfolio Holder for Regeneration
That the Committee:

1. Notes the report.
2. Comments on the draft London Plan so that its comments can be considered during the preparation of the Council’s response to the Mayor of London.
3. Notes that the Chief Executive, in consultation with the Leader of the Council, the Portfolio Holder for Regeneration and the Opposition Spokesperson for Regeneration, will respond to the Mayor of London’s consultation on the draft new London Plan.

Key Points

A. The Mayor of London has published a draft of his new London Plan for consultation between 1 December 2017 and 2 March 2018.

B. When adopted (planned for Autumn 2019), it will form a statutory part of the Council’s statutory Development Plan and be used in determining planning applications. It will also be used as one of the foundations of the new Kingston Local Plan, which must be in general conformity with the London Plan’s policies.

C. The new London Plan will impact on the Royal Borough of Kingston Upon Thames both as emerging policy and as a published document that impacts directly on the determination of planning permissions (with progressively more material weight as it goes through the formal processes). This will affect how much, where, and what type of development is allowed in the borough, and the standards and requirements that are applied to that development. It is noted that the document is scheduled for a public examination in autumn of this year and full statutory weight from autumn next year. This is a very rapid process with limited time for transition.

Key Issues affecting Kingston arising from the new London Plan

D. The new plan is significantly more prescriptive, including setting standards which are intended to be applied directly in determining planning applications, rather than being expressed through local plans as is currently the case. This would create consistency across the 33 London boroughs. However, it is a direct challenge to local government in London with the Mayor taking over a detailed planning policy role that should be carried out by local authorities through their local plans. Kingston has been intending to prepare a new Local Plan commencing later in 2018. This ‘top down’ approach is not locally responsive and seems at odds with a desire for more inclusivity by communities in planning. It may also be inconsistent with the legislation governing the London Plan which requires that it only deals with
“strategic matters”. The new London Plan is therefore a significant intrusion into local governance and plan-making.

E. The draft new London Plan directs significant growth to local town centres and suburbs, which will alter the character of these areas significantly. This is accompanied by strengthened Green Belt and Metropolitan Open Land (MOL) policy protections. Other options have not been properly considered and there has been no meaningful engagement with local communities at a grassroots level. It is clear that communities place immense value on their Green Belt and Metropolitan Open Land. However, they also value their suburbs, gardens and town centres.

F. The new plan designates a ‘nascent’ Opportunity Area for Kingston to bring forward xk homes and xk sites over the next 15+ years. This is linked to Crossrail 2, a currently uncommitted transport scheme. The text for this Opportunity Area may be at odds with the stronger Green Belt/MOL protections as it identifies Chessington and the Hogsmill as areas where there “may be potential to accommodate growth... in line with the opening of Crossrail 2 in 2033”.

G. The London Plan must provide a strategy for meeting London’s housing need including setting housing targets in agreement with the boroughs. Once the housing target is in place, a failure to deliver against this target may have implications for the council’s ability to refuse planning applications. The proposed new target is over double the current one. It is very reliant on new policy approaches to density and small sites. The plan removes the density matrix and replaces it with a requirement to optimise residential densities. It also creates a presumption in favour of intensifying sites around stations and town centres i.e the reasons allowed to refuse flat conversion/backland development etc are severely restricted. This new approach would significantly change the character and housing mix of the borough over the next 10 years. There may be very limited circumstances where bringing forward houses would be acceptable, and despite the significant growth in housing numbers overall, the number of houses (rather than flats) would be estimated to drop by 2%.

H. The balance seems weighted towards housing rather than other uses such as local employment. Outside Kingston Town Centre, the emphasis is on protecting offices rather than providing more office floorspace. It may also facilitate release of current industrial land for other uses including housing.

I. There is a deliberate attempt to reduce car use within London, by the application of city-wide parking standards that do not take into account traffic movements and ownership levels seen within outer boroughs.

J. There are a number of other issues set out within the body of this report including specific implications for Kingston both in terms of managing development through the planning system and in terms of management of its own property holdings.

K. Consultation on the draft new London Plan is run by the Mayor of London independent of the Royal Borough of Kingston upon Thames. The council will be submitting a response to that consultation taking into account the debate at Growth Committee amongst other considerations. However, the actual proceedings and debate at this committee is not part of the Mayor’s statutory consultation and will not be fed directly back to the Mayor. It is also noted that while this report covers the key issues identified which will impact on the Royal Borough of Kingston, it is not comprehensive analysis of the entire plan, it's content and implications. For example, it may have specific impacts on individual businesses which are not identified. Members of the public and stakeholders are strongly encouraged to
review the London Plan themselves and participate directly in the Mayor’s consultation.

Context

1. The weight given to emerging policy documents is set out in the National Planning Policy Framework (NPPF) paragraph 216. Greater London Authority officers and the Deputy Mayor for Planning have advised that the draft London Plan is a material consideration in the determination of all planning applications in London from this point forward. The Mayor will be relying on this draft plan for applications that he will determine. In applying the NPPF, RBK officers are of the view the policies at this stage of the London Plan’s production attract very limited weight. This is because they have not been subject to public consultation and therefore it is unclear what outstanding objections there might be to each part of the document. In addition, there has been no process of scrutiny or examination of the document or the evidence supporting them. This will be provided through the consultation stage, and more rigorously, through a public independent examination.

2. It is noted that the full publication of the London Plan is intended to follow a very fast process. The public examination is planned for autumn this year and full statutory weight is planned for autumn next year. The transitional phase is therefore very short.

3. Legislation states that a London Plan should only deal with things that are of strategic importance to Greater London (see paragraph 7 below for discussion). It will cover the period 2019 to 2041, a 22 year period chosen to provide a longer-term view of London’s development. The plan must provide a strategy to:
   ○ Provide housing to meet any existing under-supply, and future population growth (and change)
   ○ Support sustainable economic growth, including through the provision of suitable workplaces
   ○ Support the infrastructure necessary to support this growth.

   The plan must do this in a way which achieves economic development and wealth creation, social development and which promotes improvements to the environment.

4. The London Plan sets out a spatial strategy comprised of areas designated for particular purposes (such as Opportunity areas and a hierarchy of town centres), housing targets for each borough, policies for protection and management of areas (such as Green Belt) and assets (such as heritage assets), and a large number of detailed, topic-based policies.

5. Overall the plan seeks to significantly increase housing delivery to meet London’s needs. It is important to note that even with the significant increases in all boroughs’ housing targets, the draft plan still does not meet London’s projected housing need. However, it is a significant increase over the current London Plan which failed even when it was published to meet London’s housing need, and that need has since increased by almost half again. It is also noted that the national government have also published figures for housing need, and these propose a much higher figure for London as a whole and for Kingston. RBK responded to these figures and the calculations behind them which were considered flawed.
6. This report only covers key elements of a very substantial and far-reaching statutory document. Although it picks up on key issues for the borough as a whole, it does not holistically cover every aspect of the plan and is not a substitute for direct participation in the London Plan consultation process. Residents, businesses and other stakeholders are strongly encouraged to participate directly in this consultation at www.london.gov.uk/new-london-plan.

The London Plan

7. In terms of the overall strategy, the new London Plan relies heavily on the delivery of small site residential which is very unpredictable, will significantly alter the character and housing stock of the borough and may impact on housing affordability. Whilst a range of options were considered, as set out in the Integrated Impact Assessment which accompanies the plan (see Appendix 1), these were assessed against the Mayor's pre-determined 'preferred option' with a particular focus on significant intensification around stations and town centres. This approach was trailed in his ‘A City for All Londoners' published in October 2016. This is different from analysing a range of options or combination of options in an open and equal way. It is also noted that the Mayor did not leave it to the boroughs, in consultation with their communities, to set out in local plans where those homes should be located.

8. The plan is significantly more prescriptive than the current London Plan. Its policies are drafted in such a way as to be applied directly when determining planning applications. Previous London Plans set out matters that are then expected to be implemented through local plans by local authorities. This alters the hierarchy and relationships between the regional-tier of governance and the local-tier in a way which would remove much of the discretion of local government to manage their places. This would seem to be at odds with the overall principle of direct involvement of local people and communities in planning and place-shaping. It also seems to be at odds with the statutory role of the plan to only cover strategic matters and leave detailed matters to local plans.

9. Finally, crucially for Kingston, there is significant reliance on Crossrail 2 which would deliver public transport improvements to all 10 of Kingston’s rail stations (with the possible exception of Surbiton which currently enjoys fast trains direct to Central London). However, this is a currently uncommitted scheme, and its delivery and (if committed to in the future) the timescales of its opening are uncertain. As policies in the plan allow for planned infrastructure, it is unclear how planning applications should be dealt with where they are to be completed and operational before the infrastructure is in place to support the growth.

Good Growth

10. Chapter 1 covers the following six themes that are continually referenced throughout the Plan:

- Building strong and inclusive communities
- Making the best use of land
- Creating a healthy city
- Delivering the homes Londoners need
- Growing a good economy
11. Within these policies and the preceding foreword, London’s housing need has been identified as 66,000 homes per year between 2019 and 2029. The Mayor’s strategic direction is to provide development within the city’s current built up area and to prevent development within the Green Belt and Metropolitan Open Land (MOL - strategic open space designated in the London Plan).

12. Key challenges of London’s past growth are attributed to the failure to deliver housing (including of the right types and affordability), the failure to spread economic development beyond London’s centre particularly mixed use, and car dependence. Additionally, at a detailed level, it requires developments to create places that reinforce inclusivity. Finally, climate change, the threat of terrorism and other emergency issues are grouped as threats.

**Spatial Development Patterns**

13. This chapter reiterates the protections of Green Belt and MOL (see also paragraphs 49-50). It then notes that all parts of London will need to accommodate growth, but in outer London this will be incremental rather than transformative, through appropriate intensification of the suburbs.

14. For Kingston, this needs to be read alongside the next paragraph which notes that London’s most significant change will be in its Opportunity Areas. The Royal Borough of Kingston Upon Thames has sought an Opportunity Area designation within the London Plan since the Place and Sustainability Committee decision on 27 March 2014 when the Council sought formal authorisation to seek an Opportunity Area or Area of Intensification status for Kingston town centre. This has been further developed in Kingston’s Direction of Travel, published jointly by the Royal Borough of Kingston Upon Thames and the Mayor of London in 2016. This establishes its broad extent.

15. The Kingston OA is identified primarily because of the expectation of Crossrail 2 and the opportunities for growth that this will bring. It is classified as ‘nascent’ - the earliest stage in Opportunity Area development, to be realised over 15+ years. It establishes OA targets of 9,000 homes and 5,000 jobs across the OA area. Whilst some development in the Kingston to New Malden arc and Tolworth is anticipated in the short and medium term, it relies on Crossrail 2 to realise the full OA potential. The OA’s boundaries will be defined at a later stage through the new Local Plan.

16. The text also refers a possibility of longer term development, linked to Crossrail 2 (states as 2033) in Berrylands and the Hogsmill Valley and Chessington. It is noted that these areas are considerably constrained by Green Belt and MOL.
designations. This text appears to be at odds with other parts of the plan (see paragraphs 49-50 below) which clearly articulate their ongoing protection. It is also noted that the link to infrastructure (Crossrail 2) is not one of the criteria against which Green Belt/MOL should be assessed as set out in the NPPF.

17. The role of Kingston’s one Metropolitan and three District town centres is also highlighted, to provide a range of employment uses and housing (policy SD6). Kingston town centre is identified as having potential for strategically-significant levels of commercial growth, including capacity, demand and viability for new offices as part of a mixed use alongside residential, linked to delivery of Crossrail 2. Kingston town centre is also identified as having a regional or sub-regional evening and night-time offer. The district centres are identified for consolidation of the existing commercial offer, including protection (rather than expansion) of
existing office provision. Kingston, New Malden and Tolworth are all identified for high residential growth.

**Design**

18. Design is at the forefront of the new London Plan, and is pivotal in the plan’s strategy to achieve the step-change in housing delivery without compromising Londoner’s quality of life. It is more prescriptive than previous plans and includes detail from the Supplementary Planning Guidance and a stronger link between transport and good design.

19. Policy D6 is a signature policy of the new London Plan as it requires the optimisation of housing densities, moving away from the density matrix that was a feature of previous London Plans. It is therefore more explicit and detailed about how density should be considered. Notably, there is no minimum or maximum figure nor is it linked to any other metric in the document. This policy will result in more dense (and likely taller) development and an increased amount of development at a scale and character that may differ significantly from the existing built up areas of Kingston. In this new policy framework, it may be difficult for decision makers to define optimisation, and pin down limits as to what constitutes over-development. At the other end of the scale, the policy requires refusal of residential development that does not "demonstrably optimise the housing density of the site" with the optimum density being determined by a design-led approach. It will also be difficult to assess this. For example, should a replacement of a single dwelling house with another single dwelling house be subject to refusal? Similarly, would development in the prevailing, historic character be unacceptable for not embracing a more modern, denser architectural style? The proposed policy conflicts with current local policies for Kingston which seek to preserve the suburban character of the borough and ensure that densities in new development reflect those that already exist in the area. It is noted that the borough has a detailed character study which will need to be reviewed.

20. The new plan is likewise prescriptive in relation to the design of public realm, incorporating the Mayor’s themes of Healthy Streets, reducing dependence on private cars and ensuring that the management of privately-owned public realm is inclusive and proportionate.

21. The policy on tall buildings applies to buildings of 30m or more, except by the River Thames where it is 25m, or as locally defined by the boroughs. The policy represents a significant shift from the current policy which requires boroughs to identify in their local plans which areas are ‘appropriate’, sensitive’ and ‘inappropriate’ for tall buildings. This has been reduced to only requiring identification of the ‘appropriate’ locations and requiring an indication of the appropriate building heights in those locations. The current London Plan also generally restricts tall buildings to specific locations (e.g. the Central Activities Zone, Opportunity Areas, town centres etc). This restriction is not included in the new plan. The threshold for approval of a tall building in the current London Plan is “should not have an unacceptably harmful impact on their surroundings.” The new London Plan does not define an overall threshold, but in relation to views the requirements is to make a positive contribution to the skyline and local townscape and not adversely affect views.

22. Other key changes to design policies are:
○ the introduction of a fire safety policy, which will be largely addressed by changes to Building Regulations following the Hackett Review;

○ an Agent of Change policy that shifts the responsibility for mitigating the impact of noise from established noise generators to new noise-sensitive uses (rather than an existing night-club having to mitigate the impact of their noise, the developer of a new nearby development would have to pay for the additional sound-proofing);

○ noise is now included as a design policy rather than a pollution policy as previously.

Housing

23. The housing policies are a clear change in approach from the existing plan. Specifically there is recognition that smaller sites should have a greater part to play in delivering housing targets. Kingston’s proposed housing target is 1,364 new homes per year between 2019 and 2029. This is over double the current target of 643. The small sites target of 625 new homes per year, which will be monitored separately is equivalent to almost 90% of this increase. For overall context, approximately 450 homes are currently delivered in the borough on average per year, of which 166 are from small sites. In addition, 105 units per year should be specialist older persons’ housing, although it is unclear whether this is a specific target or an indicative benchmark. It is noted that the national government’s estimated need for Kingston is 1,527.

24. There is a new approach on small sites which underpins the spatial strategy and housing targets. This creates a presumption in favour of approving development which can provide between one and 25 additional homes on A) vacant or underused sites and sites within existing or planned PTAL zones 3-6, or B) sites located within 800m of a train station or town centre boundary (regardless of their public transport accessibility). The basis for this approach is that these are the areas of London that are well-connected. However as the figure below shows, this is not necessarily the case in Kingston where many areas within 800m of a station or town centre have relatively poor public transport accessibility. The new homes will be expected to be delivered by extensions, conversions, redevelopment and infill development. Boroughs will be able to control this by preparing design codes to provide guidelines to this presumption - if design codes are not in effect, the presumption will apply in full unless it would result in unacceptable harm to privacy, heritage assets, biodiversity or a safeguarded land-use, that is not outweighed by the benefits of the new housing.

25. The approach would have a significant impact on the 90% of the developable borough (not Green Belt or MOL) which it will apply to, officers estimate that it would mean an approximate shift from existing 60% houses:40% flats to 49% houses:51% flats over a period of 10 years. They also estimate that, despite the overall significant growth in housing units over the 10 year period, it is estimated there would be a net loss in houses (rather than flats) of about 2% compared to the current number of houses as most of the growth will be in flats and there will be a loss of houses through the small sites approach. It is noted that flat conversions are often the least satisfactory type of home in terms of the quality of the living accommodation including noise, privacy, energy efficiency, internal layout and space standards.
26. The plan encourages small housebuilders, community and self-build. However, only 3% of people in Kingston are part of a group or project to create community housing and less than 125 people/organisations on the self-build register. This sector would need to grow significantly to have any real impact, possibly jointly with housing associations.

27. Consideration needs to be given to the impact of the small sites approach on the relative affordability of housing in Kingston. If there is a presumption that planning permission will be granted for homes to be converted to flats and that backland development will be approved, their market value may be as a development site for a number of flats which may make its retention as a family home even more expensive.

Figure 4 Small Sites Intensification Areas with a 2015 PTAL of < 3
The policy does not allow boroughs to set a housing mix for market housing. It can be defined at a borough level for affordable housing. It notes that two-bed units should also be designed to meet the needs of families and puts restrictions on schemes which are predominantly one-bed units. However, these provisions...
are at odds with the council’s own experience: 82.5% of applicants to the housing register between 2012 and 2017 would have their needs met by a one-bed unit, and projections suggest this will rise to 89% by 2035. Therefore the restriction on schemes which are predominantly one-bed would not be helpful in meeting Kingston’s housing need.

29. For the first time, there is a specific policy on Build to Rent. There must be at least 50 units retained as Build to Rent for at least 15 years. These must be available on longer-term tenancies and there are specific requirements around their letting and management. Similar to affordable housing, they are not required to provide a viability assessment where 35% affordable housing is provided.

30. A new policy has also been introduced to manage large-scale purpose-built shared living schemes. There is also an interesting provision for housing as a ‘meanwhile use’ prior to redevelopment of sites.

31. In addition to older persons’ specialist housing (see also paragraphs 22 and 34), boroughs should identify and plan to meet need for a range of other supported and specialist accommodation. Student accommodation is subject to being restricted to students from named institutions, with affordable student accommodation. The borough’s current student population is heavily concentrated in and around Kingston town centre, comprising 14% of this area’s working age population.

32. The new policy on Gypsy and Traveller accommodation significantly broadens the government’s definition of Gypsies and Travellers, and is in direct conflict with national planning policy. As a broader definition it is likely to raise the need for pitches across London. The revised definition will be taken into account in the current Gypsy and Traveller Accommodation Needs Assessment being undertaken the RBK to ensure it is fit for purpose going forward.

33. Key changes in affordable housing policy are:

- An increase from a strategic target of 40% (17,000 p.a) to 50% (equates to 32,467 p.a). Unlike for housing generally, there is no reference to this being a net gain. This is particularly important for estate regeneration where the requirement is for no net loss of affordable homes, with a preference for a net gain.

- Affordable housing is to be sought on sites capable of delivering more than 10 units or greater than 1,000sqm, excluding build to rent, specialist older persons housing, student housing and shared living, all of which have their own provisions. The threshold of over 10 units falls back in line with the government’s Written Ministerial Statement, contrary to the Mayor’s SPD which sought affordable housing from 10 units and above, and less where locally justified.

- Embedding the ‘fast-track’ route to permission of 35% affordable housing (no viability assessment required). No public grant will be available, and it must be demonstrated that public grant has been sought to take the proportion over 35%.
○ Higher proportions of affordable housing required from public land (50%), released industrial sites (50%) and from affordable housing providers with an agreement with the Mayor (50% across their portfolio).

○ Standardised viability assessments for non-fast-track application and greater detail on review mechanisms.

○ Off-site and cash in lieu payments are curtailed. The exception is large-scale purpose-built shared living schemes where a cash in lieu payment is required (either as a one-off or annual payment in perpetuity). To meet the fast-track route, this must be equivalent to 35% of the units at a 50% market discount.

○ Greater flexibility in the tenure: 30% low cost rent (social rent or London Affordable Rent); 30% intermediate (London Living Rent and London Shared Ownership); 40% to be defined by the borough. Schemes with over 75% affordable housing are exempt from the tenure mix. This is in contrast to the current 40:60 social/affordable rent: intermediate. It also rejects the government’s Affordable Rent product which is a 20% reduction on the market value of that unit (which in London, can be very expensive). The three new products, London Affordable Rent, London Living Rent and London Shared Ownership, are all based on household income rather than a percentage reduction on market value. Other products are acceptable where they meet these household income caps.

○ Application of the government’s Vacant Building Credit only in specific circumstances at the discretion of the borough, including demonstrable vacancy for a continuous period of at least 5 years, with demonstrable marketing for at least 2 years.

34. On estate regeneration, there is a concern that the restrictions on General Needs Rents does not enable rent increases from historically low rents to more sustainable levels. The significant restrictions on redevelopment may also make it difficult to secure private sector partners.

35. In terms of monitoring:

○ There are questions about the deliverability of housing targets with such a heavy reliance on small sites which are windfalls (unplanned), rely on large numbers of individual homeowners to bring sites forward, and are sites that cannot be included in the council’s 5-15 housing land supply which is part of the assessment of the borough’s performance on housing delivery.

○ The supporting text notes that the government’s Housing Delivery Test should not unfairly penalise boroughs where underperformance on housing delivery is due to factors beyond the boroughs’ control. However, as the test is a straightforward calculation, it is difficult to see how this leniency could be applied. This will be particularly relevant in Kingston, where there is reliance on significant infrastructure investment which will not be realised until the latter part of the monitoring period (Crossrail 2).

○ For non-self contained accommodation, student accommodation and shared living is reduced to a 3 bedrooms = 1 unit ratio, although for older persons accommodation it remains at 1:1.
Although the provisions restricting short-term lets to no more than 90 days a year is welcomed, it is difficult to see how the council could monitor and enforce this. Kingston currently has 127 homes listed on AirBNB.

### Social Infrastructure

36. The plan amends the definition of social infrastructure, removing cultural and justice/safety-related institutions (other than emergency services), but adding green infrastructure in all its forms. There is a strong emphasis on boroughs understanding and meeting their infrastructure needs. However, there is apparent ambiguity in the policy relating to the loss of such facilities as co-location, rationalising and sharing of facilities is supported, which implies a release of surplus facilities. Kingston is well placed to deliver on this. However, there is also a requirement that their loss should be refused unless there is re-provision to meet the need, or where it is part of a public service transformation plan. This, however, would exclude private social and community facilities such as Kingston University. Finally, there is a requirement that redundant facilities should be considered for providing other social infrastructure before being released for alternative uses. It will be crucial to understand how this policy cascade works in practice for the management of the Council and its partners’ assets, and as an issue which is very important to local communities.

37. Changes are made to the references to health and social care to reflect changes to delivery organisations (such as the NHS and local councils). This includes a move to larger health facilities and co-location. References to Free Schools have been removed, despite the council having a legislative duty to support and identify suitable sites for them. The policy on educational facilities is considerably more prescriptive, including issues such as air quality and community use of facilities. It is also noted that the criteria set out is unlikely to be able to be met in built-up urban environments including parts of Kingston.

38. The provision of play space and informal recreation has been broadened to any development used by children, rather than just as a residential design standard. This may have implications for large retail facilities for example. It also draws out the role that streets should play and there is also greater emphasis on on-site provision. Given the level of prescription, the standards within the policy would effectively replace those in Kingston’s Core Strategy. The policy on sports facilities expands this to include sustainable transport networks for walking and cycling. The supporting text is clear that built sports facilities should not be brought forward on open recreation space unless it is surplus and part of an overall strategy.

39. The new plan picks up on the provision of public toilets, which is a key equalities and inclusivity issue. It requires the provision by large-scale commercial development, therefore the private sector. Historically provision and maintenance costs have fallen to local authorities which has often proved unsustainable.

40. Finally, this section addresses burial space, recognising that this is a sub-regional issue rather than one which can always be addressed within the local authority boundaries.

### Economy

41. In many respects, the approach to commercial uses such as offices and industrial premises for Kingston is dictated by its Opportunity Area and town
centre designations, as set out in paragraphs 13 to 16 above. The new plan also seeks to protect existing B1 floorspace for the provision of low-cost business space and to seek affordable workspace alongside market business space. Within Kingston’s town centres where many future developments are expected to be mixed use, the relationship between this and housing provision including affordable housing will need to be considered. It will also be important to ensure that this does not disincentivise the renewal and redevelopment of older stock which can also fail to optimise site potential and can detract from the streetscape and overall visitor experience.

42. The overall impact of the new policies on industrial land may be to create the potential to intensify the business uses on the site and release part of the protected land through the local plan process for other uses including housing. The policy only protects the capacity of these sites for employment, not the total amount of land, an approach which could fail to increase future employment and economic benefits of these currently protected areas. Kingston is identified as an area where the industrial capacity should be retained (rather than increased or reduced). The previous Strategic Industrial Locations (SILs) designation differentiated between Industrial Business Parks (IBPs - Barwell Business Park) and Preferred Industrial Locations (PILs - Chessington Industrial Estate) which have now been merged. This means that industrial/logistics areas are no longer differentiated from business parks, even though the two may serve different economic functions and have different needs, particularly in relation to heavy goods vehicles.

43. There is a clear shift in policy relating to local industrial sites, requiring these to be justified by evidence for their continued protection. Opportunities for intensification, co-location and substitution should be taken into account.

44. Similarly, edge of centre and out of centre retail should be considered for mixed use developments to realise the potential for housing.

45. There is a new policy which does not allow A5 hot food takeaways within 400m of schools, and requiring all new A5 uses to meet the Healthier catering Commitment by condition on the planning permission.

46. Provisions for visitor infrastructure remove the specific hotel bedroom target and suggests that serviced apartments should be promoted in outer London town centres. This is not necessarily appropriate as serviced apartments do not provide affordable housing, do not contribute to community cohesion and take development capacity that could be used for meeting housing needs or more intensive and economically beneficial employment floorspace.

47. The policy on skills refers to the Mayor’s Skills Task Force, and provides guidance for securing skills benefits through Section 106.

Figure 6 Hot Food Takeaway Restrictions - Indicative and excluding special schools
**KEY**

- Town Centres
- 400 metres walking distance* from existing state school entrance
- 400 metres walking distance* from existing private school entrance
- 400 metres buffer around existing state school entrance
- 400 metres buffer around existing private school entrance
- Existing state school entrance
- Existing private school entrance

*This information should only be used to guide an approximate identification of walking distance from schools. The pathways are created using the ACOSS Online Distance Tool that follows paths and roads which allow pedestrian traffic, and finds solutions to optimize travel distances. However, distances calculated by other GIS tools may differ due to specific characteristics of road networks embedded in GIS models.
Heritage and Culture

48. The plan groups heritage and culture focussing on heritage assets and cultural and creative uses and the allied topic of the evening and night-time economy and pubs. The heritage policies, as with much of the plan, is significantly more prescriptive than current London Plan policies. There is also recognition of cumulative and incremental harm, and the need to enhance as well as conserve the historic environment.

49. The plan identifies Kingston town centre as a regional/sub-regional night-time economy, as does the current plan. There is provision for the identification of Creative Enterprise Zones and Cultural Quarters through local plans. The policy on the evening and night-time economy goes substantially further than the current plan and seeks its diversification and growth. The definition of cultural venues is expanded to include nightclubs and music venue, and these are to be protected.

Green Infrastructure and the Natural Environment

50. The policy on Green Belt conflicts with national policy as it is more restrictive. It does not allow any de-designation of Green Belt through a local plan, whereas national policy allows for de-designation in exceptional circumstances. A similar conflict exists in relation to planning applications for development in the Green Belt. The policy requires development in the Green Belt that causes harm to be refused, whereas national policy allows such development to be approved in very special circumstances when the harm is clearly outweighed by the benefits. This is further complicated by support for “appropriate multi-functional uses”, which is a reference to national policy which recognises that Green Belt should be enhanced through beneficial uses. However, the contradiction arises because uses which enhance the Green Belt in terms of some of its purposes may still cause harm as measured against other Green Belt purposes. For example, enhancing the use of Green Belt by providing greater access or facilities for outdoor recreation may harm biodiversity. The flexibility of national policy allows the relative harm to be weighed against benefits to provide the outcome which optimises the enhancement of the Green Belt overall: but the removal of this flexibility from the proposed London Plan policy does not allow such balancing to take place.

51. Metropolitan Open Land (MOL), a London-wide designation, has previously enjoyed the same protection as Green Belt as stated within the policy, which were those protections set out in national policy. This new London Plan, for the first time, introduces different criteria for the assessment of MOL than for Green Belt. The more onerous refusal of development proposals that would harm MOL are included. However, there is more flexible provision of alterations to the boundary of MOL through the local plan process. The application of national Green Belt policy is also moved to supporting text, rather than being embodied within the policy itself, together with the national policy provision relating to exceptional circumstances. There is also provision for enhancing MOL, but again the lack of any flexibility around development in MOL which may cause harm may conflict with enhancements (which could have significant benefits for some MOL purposes but result in harm against other purposes).

52. The new plan removes the restriction on replacing one type of open space for another e.g it would be acceptable to replace a local pocket park with a local...
linear park. Specific targets are introduced for urban greening through landscaping, green roofs and walls and nature-based sustainable drainage.

**Sustainable Infrastructure**

53. Like much of the plan, the draft policy on air quality is more prescriptive than the current approach and introduces Air Quality Focus Areas (AQFA). It is surprising that Tolworth is not identified as an AQFA given its annual NO\textsubscript{2} exceedances in previous years which have broken legal limits on a number of occasions. Kingston town centre has been included as an AQFA.

54. New policy requires major development to be net zero carbon, with an on-site reduction in greenhouse gas emissions of at least 35% above Building Regulation requirements. Where zero carbon cannot be met on-site, off-site works or payments in lieu can be used to reduce emissions elsewhere. The policy is also more prescriptive in relation to energy infrastructure and the need to support growth. Heat Network Priority Areas are identified, including large parts of the borough (focusing on the riverside and, perhaps strangely, the Green Belt) where developments should be able to connect to a communal heating and networks at some date.

55. Policy on water infrastructure requires local plans to support wastewater treatment infrastructure and work with Thames Water. Kingston has a significant treatment works at Berrylands/Hogsmill. On flooding, a new element requires refusal of impermeable paving. The policies on waterways seek to align land use and marine planning. The use and enjoyment, and sustainable transportation benefits, of waterways are recognised, although the requirement to meet “need” for water sports centres may be difficult to assess. River restoration is promoted, and the distinct open character and heritage of waterways is recognised. Non-water related development into waterways or permanently moored vessels are discouraged, but this is undermined to some extent by the text reference to pubs and bars in appropriate locations.

56. There is a new policy on digital connectivity, which has previously been considered a private sector matter, seeking higher speed internet connections than is required by Building Regulations.

57. Policies on waste introduce a new approach supporting the circular economy through planning applications that are referable to the Mayor, with an aim of zero-waste. Kingston’s waste apportionment of 2.3% of London’s waste, or 199,000 tonnes to 2041, is a considerable increase on the previous 1.5% or 124,000 tonnes to 2036 in the current London Plan. As Kingston is in the South London Waste Partnership, a review of the waste plan will need to be undertaken.

58. Kingston’s Strategic Rail Freight site in Tolworth continues to be protected as part of the aggregate infrastructure. A new policy directs boroughs to refuse any application for fracking. Although reasons are given in the supporting text, this policy approach may not be appropriate as it effectively bans what is a type of legal land operation.
Transport

59. Building on the Mayor’s Transport Strategy, a significant modal shift is sought to 80% of all trips by sustainable transport by 2041. There is a much more ambitious approach to rebalancing the transport system in favour of these modes and reducing dependency on private vehicles. Transport is key to the growth ambitions, and streets and other public realm will be made to work harder through the Healthy Streets approach. Planned infrastructure will be taken into account in development decisions which has implications for Kingston particularly in relation to Crossrail 2.

60. The ambitious modal shift target will be challenging for parts of Kingston. Although this level would exist in places with good public transport such as Kingston and Surbiton, outside these areas the modal split is closer to 50%. This returns to the point made in paragraphs 23 to 26 and figures 2 and 3 above that areas identified for growth in Outer London boroughs often do not necessarily have good public transport. The modal shift expected to be delivered through the Healthy Streets approach and curtailment of car parking, with reference to absorbing the increased travel demand from new development wholly through sustainable transport modes.

61. Kingston is well-placed to deliver Healthy Streets and has seen significant investment in cycle infrastructure through the Go Cycle scheme. Building on this investment, Kingston is one of five Outer London boroughs with higher cycle parking standards, set at twice the standard of elsewhere in Outer London. Where these standards cannot be met on-site, boroughs are required to work with stakeholders for on-street provision which has implications for the management of Kingston’s highway network.

62. The application of the maximum car parking thresholds (figure 4 below) is significantly more restrictive than the current approach. In well-connected areas with on-street parking controls in place this will be readily implemented. However, there are greater challenges in areas with little or no parking controls such as Tolworth and New Malden where there may be parking overspill from higher density developments. Local minimum car parking standards can only be applied for residential floorspace in areas of a PTAL of 0-1.
63. There are also restrictions on new car parking for retail growth, which may impact on Kingston as a Metropolitan Town Centre with a wider sub-regional catchment which will continue to rely on car-parking in the short- and medium term. As one of London’s top retail destinations, it significantly outperforms its public transport accessibility level. In terms of other commercial floorspace (offices, hotels, leisure), a range of restrictions apply with provision for higher maximum limits through an evidence-based local plan or case-by-case provision, with separate requirements for disabled persons parking.

64. Whilst there are a number of measures proposed for freight and servicing, the impact of these vehicle movements on the highway network is not addressed with the same rigour as private vehicles. However, for the first time consideration is given to ensuring large developments have facilities to consolidate deliveries and enable them to occur outside peak hours (e.g. large residential schemes with...
concierge food storage facilities could allow groceries for a number of homes to be delivered at the same time, and outside peak hours).

65. The Mayor has strongly opposed expansion of Heathrow airport due to environmental and health concerns and the impact on the transport network.

Consultations

66. Consultation is being carried out by the Greater London Authority for the Mayor. The Royal Borough of Kingston Upon Thames will respond to this consultation. Consultation closes on the 2nd March 2018.

67. As the plan develops, there will be further consultation stages and opportunities for participation in the process including a public examination by an independent Inspector. The Council will participate in these stages as appropriate.

Timescale

68. Consultation closes on the 2nd March. An Examination in Public has been scheduled for Autumn 2018. The new London Plan is expected to be formally published in autumn 2019 following a public examination by an independent inspector.

69. The Royal Borough of Kingston Upon Thames, together with Kingston University, are hosting a discussion on the new London Plan on the 25th January 2018. This, together with the discussions at Growth Committee and other inputs and discussions will inform the response to this stage of consultation.

Resource Implications

70. The resource implications of this plan are still being assessed, and will depend on the degree of change between the current draft and the final version. However the key implications will be on management of the Council’s own estate, particularly the requirement for a significantly higher amount of affordable housing from residential sites in the Council’s ownership. Other implications will be in the requirements for determining planning applications and the skills required to apply the prescriptive policy requirements set out in the draft new London Plan.

71. There are likely to be significant areas of challenge to the London Plan as currently proposed. There will be resource implications in mounting that challenge including potential legal costs. It may be possible to reduce these costs by mounting a joint response with other boroughs with similar concerns.

Legal Implications

72. The London Plan “must only deal with matters which are of strategic importance to Greater London” [Greater London Authority Act 1999 (as amended) 334(5)]. This is of particular relevant to this new London Plan which Deputy Mayor’s and GLA officers has been drafted to avoid local authorities having to write a lot of policies in their own local plan but are now required to apply the detailed London Plan policies directly. Following the examination in public, the Secretary of State has powers to direct the Mayor not to publish the London Plan to avoid:

- any inconsistency with current national policies or relevant regional planning guidance, or
- any detriment to the interests of an area outside Greater London [Greater London Authority Act 1999 (as amended) 337].
The London Plan, once formally published, will form part of the statutory Development Plan for the borough. The Greater London Authority Act 1999 (as amended) and supporting regulations set out the process for altering, replacing and updating this Spatial Development Strategy (titled The London Plan).

Kingston's own Local Plan will need to be in 'general conformity' with the London Plan. Therefore the content of the London Plan not only impacts directly on the determination of planning applications but also crucially the content of local policies and designations.

The government is introducing a Housing Delivery Test in early 2018 following publication of the Housing White Paper in 2017. The detail of this will be published in a new National Planning Policy Framework (NPPF) expected in early 2018. Where boroughs fail to deliver sufficient housing against their housing targets based on a rolling three-year average, there are various requirements depending on the scale of under-performance ranging from preparation of an action plan through to requiring a greater buffer in the 5-15 year housing land supply to identify more land to be identified for housing purposes. Additionally, “persistent under-delivery” against the housing target already in place through the NPPF results in a ‘tilted balance’ in favour of approving housing developments as local plan policies are deemed out of date. It is also suggested that this ‘tilted balance’ will also apply at some thresholds of under-performance against the new Housing Delivery Test. Whilst the new draft London Plan suggests boroughs should not be penalised where housing development relies on infrastructure (in Kingston’s case, Crossrail 2) the detail in the new NPPF will be crucial as to how this can apply.

Risk Assessment

The application of a significantly higher housing target within the new London Plan could be a significant risk to the Council in exercising its powers as set out in paragraph 73 above. If there is an under-performance against the housing target, more and lower quality housing development will be approved through the ‘tilted balance’ approach. This would undermine the Council’s local governance and has the potential to erode public confidence in planning decisions and new development.

There are risks associated with the management of the Council’s own properties through the application of these proposed policies.

Equalities Impact Assessment

Carried out by the Mayor. However, the Council does not necessarily endorse the IIA recommendations or outputs.

Background papers
Draft New London Plan, Mayor of London (Dec 2017)
Planning for the Right Homes in the Right Places, Department for Communities and Local Government (Sep 2017)
The London Plan, (former) Mayor of London (Mar 2015)
Direction of Travel for the Royal Borough of Kingston Upon Thames, Royal Borough of Kingston Upon Thames and Mayor of London ( )
Kingston’s Core Strategy, Royal Borough of Kingston Upon Thames (Apr 2012)
Appendix 1 Integrated Impact Assessment for Spatial Options - Making the best use of land

**Current London Plan**
This option continues following the objectives of the current London Plan, focusing economic growth around the Central Activity Zone (CAZ), Isle of Dogs, town centres, and strategic outer London, with housing growth in key Opportunity Areas. Whilst this would go some way to promote positive long term effects on housing objectives and the social and health benefits associated with high quality new homes in London, the level of growth would be insufficient to meet future demands. This option does support the use of brownfield sites and the delivery of industrial, residential, and mixed-use developments to encourage growth. This would benefit businesses and residents throughout the city, however this benefit would not necessarily be sustainable as demand increases.

**Polycentric Approach**
This option supports the dispersal of growth across town centres in inner and outer London. It aims to deliver housing in a range of areas alongside economic functions. It promotes town centres outside the CAZ, a revitalisation of town centres, and improving the orbital transport network. The option does not support the release of industrial land. Infrastructure objectives would be met with the delivery of housing, transport, and social and physical infrastructure. It would have a net positive effect on housing, supporting health benefits and alleviating homelessness. Economic benefits would be seen in local economies, increasing employment access particularly for those with mobility issues. The dispersed economic growth could limit London’s international competitiveness by reducing the viability of economic centres such as the Isle of Dogs. Dispersed growth could be difficult to sustain equally, and would increase the complexity of public transport travel patterns which may result in less efficient public transport.

**Current London Plan and selective green belt release**
This option continues with the objectives set out in the current London Plan and considers releasing green belt land to serve the local population with new neighbourhood centres. This option supports housing objectives by facilitating the large scale delivery of new homes as part of the current London Plan approach, whilst facilitating the limited release of land in the green belt in sustainable locations, determined through the Local Plan process. However, similar drawbacks to those associated with the current land are likely to be experienced, namely that this increased growth does not go far enough in terms of satisfying the required development in London. Infrastructure and land use objectives are met by this option through the release of low performing green belt land to ensure a range of developments are completed which subsequently unlock economic growth. This benefits businesses and residents, creating jobs throughout the city. This option could have negative environmental effects, since it risks impacting habitats within the green belt and puts natural capital at risk.

**Current London Plan and City Region approach**
This option continues with the objectives set out in the current London Plan and also supports investment in development and growth outside London, into the Wider South East (WSE) region to achieve mutual benefits. Long term positive objectives would result in the delivery of housing in the WSE region, resulting in associated health benefits as new homes are less likely to suffer from cold, damp and other structural issues. The provision of new housing would also alleviate problems related to homelessness and overcrowding. However, the level of development required in London is unlikely to be satisfied by adopting this approach. Green spaces would benefit from this option,
ensuring that natural capital is protected and enhanced, increasing access to the natural environment around London and providing the associated health and wellbeing benefits associated with access to green space. The option promotes positive effects on infrastructure and land use objectives, delivering improved infrastructure throughout London and the WSE region. This would have positive economic benefits since it would make businesses more accessible, thereby increasing their competitiveness, however it may drive growth out of London. Increasing transport between London and the WSE region would result in negative air quality and climate change impacts, since growth would be encouraged over a wider area thereby increasing the need for transport of increasing amounts of goods, waste, and individuals over a larger area, which would increase emissions and decrease air quality.

**Preferred option - Sustainable Intensification**

This is the preferred option to meet this Strategic Policy. It seeks to ensure that economic growth is focussed around the CAZ, Isle of Dogs, Old Oak Common and Stratford, alongside town centres and inner and outer London. It aims to ensure that housing is delivered in residential-led Opportunity Areas, town centres, and other sites throughout London. Housing-led mixed use redevelopments would support a design-led approach to maximise densities in town centres, especially areas with high connectivity to public and active transport. This option would maximise available development through the intensification of existing sites as well as the identification of additional development potential. This option supports the protection of natural and cultural capital, committing to provide 50% green cover across London and protecting local spaces. Transport growth would be strategic, through investment in active and public transport infrastructure. Industrial land would be managed to make more effective use of existing floor place, and place residential land near to complementary industries.

This option would help preserve existing open space supporting social objectives and encourage active transport to deliver health benefits and reduce emissions. Housing delivery objectives would be met with a design-led and needs-based approach to housing development, alongside provision of transport infrastructure, to underpin sustainable growth in brownfield sites, and inclusivity. Economically, this option supports the delivery of business and residential space to keep London competitive, encourage efficient use of land, and ensure growth and economic diversification is facilitated. In promoting public and active transport options, this option reduces emissions and noise, and improves air quality. Green infrastructure would facilitate habitat, species, and landscape protection even in built up areas. This option commits to providing London with 50% green space cover, which could off-set any increased flood risk caused by high density developments.