

Scrutiny Panel

30 July 2019

Officer response to Community Call-In of:**2. Housing Delivery Test Action Plan - Strategic Housing and Planning Committee
- 19 July 2019**

**Text of Community Call-In at numbered paragraphs below.
Text of response can be found at paragraph indentations.**

Please find below the full text of the above Community Call-In.

Please note there have been minor amendments made to correct punctuation for the panel's ease of reading. Moreover, references contained within the text of the call-in have been set as footnotes. No substantive changes whatsoever have been made to the text of the call-in.

The Community Call-In in its original format is attached at **Annex 3**.

SUMMARY [from author of Community Call-In]

1. 100 signatures are needed by Tuesday in order to challenge the council's decision.
 - a. **Acknowledged**
2. The Government has introduced a Housing Delivery Test (HDT) to determine whether local areas are building enough homes to meet housing needs.
 - a. **Officers acknowledge that this statement is correct**
3. Kingston Council states that its Housing Delivery Test Action Plan ("HDTAP"), analyses current housing delivery in the borough and identifies measures to address the shortfall in delivery over the last three years.
 - a. **This statement is correct, as identified and required in latest government planning guidance.**
4. However, the HDTAP is also being used to speed up the planning process for Kingston's future development programme.
 - a. **In 2018 the Housing Delivery Test (HDT) was introduced into the planning system as part of the new National Planning Policy Framework.**
 - b. **As required by government guidance, the Housing Delivery Test Action Plan has a primary aim of speeding up housing delivery in the borough in the coming years.**

5. The future development programme envisages the building of 55,000 new homes in 22 years, a far cry from the 1,381 that was our target over the last three years.
 - a. **The new housing targets and development programme originate from the draft new London Plan, which local authorities are required to adopt and take forward.**
 - b. **The Council objected to these targets at the recent London Plan Examination in Public; we await the final version of the London Plan with adopted housing targets.**

6. The HDTAP says nothing about how the council will protect existing homes across the Borough or about the effect of an accelerated large-scale development on existing communities, neighbourhoods or the environment; nor does it say how officers' new delegated powers to buy properties with a value of less than £1 million across the Borough will be used to facilitate land assembly for accelerated housing delivery, or what constitutes "exceptional circumstances" for the use of Compulsory Purchase Orders.
 - a. **These issues will be addressed through the authority's emerging Local Plan, which will examine all matters relating to spatial planning within the borough.**
 - b. **The Housing Delivery Test Action Plan is a different plan entirely, the primary and more limited purpose of which is to identify existing shortfalls in housing delivery and measures to speed up the delivery rate.**

7. I believe that the council has failed to 'robustly challenge' the housing targets agreed by the previous administration with the Mayor of London, and is moving forward fast with unsound and undemocratically agreed plans. It is now up to us, as local residents, to make sure what happens in Kingston is in the interests of the residents who have chosen the Borough as their home and is not pushed through in hidden and confused agendas. We must act now to bring these plans back to a scrutiny panel for proper investigation."¹
 - a. **The Council has objected to and robustly challenged the new housing targets through the London Plan Examination in Public. The Council submitted its written evidence and attended the examination to present this evidence, along with a number of other like-minded boroughs.**

The

8. The Strategic Housing and Planning Committee of Kingston Council approved the Borough's Housing Delivery Test Action Plan on 19th June 2019 as Decision One.
 - a. **Acknowledged**

9. We, the undersigned, call in Decision One of the Strategic Housing and Planning Committee on 19 June 2019 to approve the basis of the Housing Delivery Test Action Plan for publication by August 2019 for the following reasons:
 - a. **Acknowledged**

10. The HDTAP does not simply address how the Council will address the shortfall in delivery over the last three years. It suggests measures to speed up the planning process for what will be a development programme that is many times bigger than the target we were set over the last three years.
 - a. **As required by government guidance, Kingston's Housing Delivery Test Action Plan aims to speed up housing delivery in the borough in response to the shortfall over the last three years.**
 - b. **The Action Plan sets out a range of measures that the Council is progressing to address low rates of housing delivery, including a process to monitor implementation.**
 - c. **A number of areas have been identified where specific action can be taken, as identified in Section 3 of the Plan.**

11. The HDTAP does not give clear and complete information about the Borough's future housing targets for the delivery of which the proposed Action Plan will apply. The actual housing targets for Kingston until 2041 are set out in the London Plan and the Strategic Housing Land Availability Assessment ("SHLAA") as 55,317. It does not explain why Kingston is expected to deliver housing to accommodate four times its forecast population growth. Population growth in the Borough is forecast to be 34,000 as of May 2019. This is an increase from 23,000 from November 2019.
 - a. **Section 2 of Kingston's Housing Delivery Test Action Plan identifies the borough's current and future housing targets. The Local Plan is likely to provide a fuller explanation regarding the origins and nature of the housing targets.**
 - b. **The HDTAP does not attempt to explain how the borough can accommodate or support delivery of all new homes up to 2041 since this is a matter for the emerging Local Plan.**

12. in paragraph 2.13, the report to council confuses the unaffordable prices of homes which are vacant and available in Kingston with the need to create more supply for local people: "Even if population projections drop, there is now such a backlog of need (such as young adults unable to move into their own home) we still need to significantly increase housing numbers."
 - a. **The statement is correct. There is already a known significant backlog of housing need, as demonstrated, for example, by the large proportion of**

young adults still living at home with their parents/carers, unable to get on the property ladder.

13. Having previously stated that they are against the London Plan's small sites targets, the Council now appear actively to support them by giving: "appropriate support to development partners in the progression of small sites within the borough in line with latest London Plan aspirations and associated accelerated housing targets"
- a. It is acknowledged that the Council has previously objected to the London Plan's small sites targets, for which we await the outcome of the London Plan Examination in Public.**
 - b. In the meantime, and in response to the London Plan and government guidance on the production of Housing Delivery Test Action Plans (for boroughs failing to meet their housing targets), Kingston investigates all potential opportunities for increasing housing delivery in the borough.**
14. The HDTAP and the accompanying report confuses the need to meet old housing targets with the need or desire to meet grossly inflated future housing targets that may well compromise quality and have a detrimental effect on existing communities. The HDTAP and accompanying report do not explain how the Borough can accommodate or support delivery of 55,000 new homes in 22 years when it has only delivered 75% of its existing housing target of 1,381 homes over the last three years“, nor does it relate the scale of development planned in any way with any desire or need to minimise the impact of development on existing communities or on the environment.
- a. The Housing Delivery Test Action Plan is clear about both existing and new housing targets, the details of which are set out in Section 2 of the plan.**
 - b. The HDTAP acknowledges the relatively low housing delivery rates of recent years (as set out in Section 2) and identifies a range of measures that the Council is progressing to address these low rates (Section 3).**
 - c. The HDTAP does not attempt to explain how the borough can accommodate or support delivery of 55,000 homes in 22 years since this is a matter for the emerging Local Plan.**
 - d. As detailed in the response to question 6, issues relating to the need to minimise the impact of development on existing communities and the environment will be also be addressed through the authority's Local Plan, which will examine all matters relating to spatial development within the borough. The Local Plan will assess how the borough is able to accommodate the required number of new homes without compromising build quality.**

15. Base 1364x22, plus 16,309 with CR2 or improved infrastructure, plus a minimum 9000 with "opportunity area" status.²

a. Noted

16. "When measured against the new Housing Delivery Test, Kingston's delivery rate is 75% over the three year period 2015/16 to 2017/18: Kingston delivered a total of 1,042 homes during this period against a target of 1,381 units, resulting in a shortfall of 339 units."

Taken from:

<https://modern.gov.kingston.gov.uk/documents/g8704/Public%20reports%20pack%20Wednesday%2019-Jun-2019%2019.30%20Strategic%20Housing%20and%20Planning%20Committee.pdf?T=10>

a. Acknowledged

17. The council states that it is working on an Action Plan for Kingston Town Centre but no detail is given of what the consequences or objectives of the plan will be. Also, what about everywhere else in the Borough?

- a. The Council is working on an Action Plan for Kingston town centre to help support and manage housing growth (and other development) in the area. Kingston is the largest town centre in the borough with significant growth already starting to occur in and around it.**
- b. Other town centres are likely to be assessed as part of the development of the Local Plan which will cover the whole of the borough.**

18. The HDTAP does not relate the scale of development planned, especially in so far as it affects the delivery of affordable or social housing, with any desire to retain existing housing. In paragraph 1.11 of Annex One, it obliquely refers to Cambridge Road Estate ("CRE") – "opportunities to update and renew Council-owned stock for a range of local needs" - but does not mention that the majority of the huge number of extra housing units in the planned "redevelopment" of the CRE will be for private sale and may well not be affordable to local people.

- a. The proposed development of Cambridge Road Estate will be mixed tenure including new homes for council rent, shared ownership and private sale. Residents are currently being consulted on the masterplan and final mix will not be fixed until this process is complete.**
- b. The current assumption is that the private element will be no more than 60% of the overall homes with an aspiration to reduce this to 50% should viability allow.**

19. The HDTAP mentions for the first time in any Local Plan evidence documents that the Borough might get "areas of intensification" as well as "opportunity areas". This would result in even greater development over an even wider area and has never been mentioned before. It is a bit like the Direction of Travel – introducing something in vague terms so residents do not see it coming
- a. **The Council has mentioned that these areas may come to the borough, but is unable to give a definitive position statement at this time. This is because such matters are under the control of the Greater London Authority through the writing of the London Plan, which is still currently in a draft state.**
 - b. **Once we have further information (for example, through the final version of the London Plan) then we will be in a position to provide a more precise position statement in our policy documents.**
20. The document does not mention how new officer powers to purchase any property in the Borough with a value of up to £1 million without scrutiny or explain in detail how Compulsory Purchase Orders will be used in order to help deliver such large housing targets and speed up the planning process
- a. **As stated in the Housing Delivery Test Action Plan, the Council will only consider the use of Compulsory Purchase Powers and new powers to purchase property in exceptional circumstances where appropriate and necessary to achieve timely and realistic comprehensive development, working with key stakeholders.**
 - b. **This will only be considered when extensive discussions/negotiations have reached an unsuccessful conclusion. This would be part of a proactive approach to land assembly to address local difficulties in the land market and best use of public sector owned land.**
21. The HDTAP does not mention the importance of the scrutiny of viability assessments as a vital aspect of the development management process because of the important implications that viability assessments have on the delivery of affordable housing and other public benefits.
- a. **It is acknowledged that this matter is a relevant consideration, however, it is not a matter for detailed investigation in the Housing Delivery Test Action Plan. The matter will be investigated in greater depth through the writing of other Council policy and strategy documents.**
22. The document does not address the fact that the delivery of expensive infrastructure and affordable housing contributions affect the viability and deliverability of schemes nor of how this can have a significant effect on the housing that is delivered. This is particularly important given the Council in its LIP3 Borough Transport Strategy and its Strategic Environmental Assessment (which should have been integral to the LIP3 but has only just finished consultation even though the LIP3 has already been approved) appears to offer no alternative to improved transport infrastructure in the Borough to CrossRail 2 apart from additional buses and improvements to existing stations.

- a. **It is acknowledged that these matters are relevant considerations, however, they are not matters for detailed investigation in the Housing Delivery Test Action Plan. These matters will be investigated in greater depth through the writing of Kingston's new Local Plan and other planning and strategy documents.**

23. In the section on Improving the Planning Process, the HDTAP talks only of speeding up or streamlining planning application processes, including introducing a fast track system, and never about the need to ensure quality housing is delivered, that existing communities and the environment are protected and that existing housing, especially affordable housing, is retained.

- a. **Adopted Council housing policies will always seek to ensure the delivery of quality housing and the protection of existing communities and the environment, and also retention of existing housing including affordable housing. These matters will be assessed in detail through the writing of Kingston's emerging Local Plan rather than through the Housing Delivery Test Action Plan.**

24. In two places, the HDTAP says that the speeding up of housing delivery will have a "significant benefit to the community" but does not give reasons for the statement. Indeed, the primary objective of the document is stated as: "speeding up housing delivery in the borough. This will be a significant benefit to the community since there is a need to see a step change in building more homes in the borough to meet the needs of residents.". This is a circular and therefore meaningless assertion. The document does not lay out any benefits at all to the community of accelerating such a massive development programme.

- a. **There is an identified shortfall in housing provision in the borough, and the wider London area, with significant new home building being identified as a specific requirement.**
- b. **The faster delivery of new housing will, therefore, be of benefit to many local people who are currently seeking a home in the borough. For example, there are a large number of young adults in the borough who are still living with their parents/carers because they are unable to buy a first property due to the housing shortage and high property prices. The speeding up of housing delivery will assist in relieving this situation.**

25. The document does not mention any need for public consultation and engagement when it considers the specific approaches it is considering taking to the planning process and to determining planning applications. The only reference to community engagement is that the Council will hold "conversations" with residents and other stakeholders in the short term "regarding the Council's role in housing delivery as part of the borough's wider housing strategy". This is far too vague and does not provide any comfort that residents will have any say in the type and scale of developments that are permitted in the Borough.³

- a. **Acknowledging the very short timescales imposed on local authorities for Action Plan production (publication is required by 19 August 2019), Section 4 of the Action Plan identifies that the Council welcomes suggestions on any future actions to help increase housing delivery in the Borough.**
- b. **Following the production of this first Action Plan, and anticipating annual reviews, we will welcome engagement with interested stakeholders through the implementation of the Action Plan.**

26. Many statements do not make sense and are not substantiated, such as "step change in building more homes" will "meet the need of...residents" and the assertion that speeding up housing delivery is "essential to ensure the health and well being of Kingston's residents and visitors since significant new home building has been identified as a specific requirement"

- a. **Please refer to the response to question 24.**

27. The Risk Assessment of the KDTAP is non-existent. The risks of accelerating delivery of housing on a development programme on the scale planned are massive. This section states that there is a risk of not completing a HDTAP but does not actually state the consequences of non-compliance. Perhaps they are worth bearing in order to avoid the consequences of accelerating a massive development programme on the Borough without due consideration of the effects of so doing?

- a. **Please refer to the response to question 4.**
- b. **Additionally, there are risks associated with not publishing a Housing Delivery Test Action Plan, in particular that the Council would not fulfil its duties to produce an Action Plan.**
- c. **Up-to-date policy documents provide improved guidance, clarity, and certainty for all interested parties. In particular, the HDTAP will assist with progression of new Local Plan housing policies.**

28. The Equalities Impact Assessment gives no evidence that the HDTAP – in agreeing the accelerated delivery of a massive development programme - meets the requirements of The Equalities Act 2000. In particular, "good relations" is not an Equalities Act requirement. And there is nothing on how the HDTAP will affect people with disabilities for example.

- a. **As identified in the Action Plan, an Initial Equalities Impact Assessment has been undertaken and the Council will ensure, through this process, full compliance with the Equality Act 2010.**
- b. **It will ensure the following:**
 - i. **eliminating discrimination and promoting equality of opportunity and good relations.**
- c. **The HDT Action Plan seeks to provide housing for all groups of people and is inclusive.**
- d. **A full Equalities Impact Assessment will be undertaken as part of the Local Plan work programme and incorporated into the Integrated Impact Assessment process to ensure that no groups or communities are disadvantaged.**

29. The Health Implications, Road Network and Environmental and Air Quality Assessments are all inadequate. There is no assessment of the effects of the HDTAP on biodiversity. There is nothing in the HDTAP about a lighting strategy or the protection of public art. Most references are to Kingston Town only.

a. Please refer to the response to question 6.

30. The statement: "The borough also benefits from widespread green spaces and parks" is in complete contradiction to the statement in the Strategic Environmental Assessment for LIP3 that "The Royal Borough is not as green as other Boroughs" with only 7.5% open space"

a. Please refer to the response to question 6.

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