

**To: The Director of Place**

30th March 2017

## **Application for the Designation of North Kingston as a Neighbourhood Area**

Report by the Strategic Planning Team

### **Purpose**

To note the representations made in the recent consultation and formally designate an area comprising the wards of Canbury and Tudor as a Neighbourhood Area.

### **Recommendation of the Head of Planning and Regeneration**

To -

1. Designate the area outlined in red in Annex 1 as the North Kingston Neighbourhood Area under delegated powers.

### **Key Points**

- A. This report sets out the consultation process undertaken for the application to have an area of North Kingston, comprising the wards of Canbury and Tudor, to be designated as a Neighbourhood Area. This is the first such application of its type in the borough.
- B. The application was submitted by a local community group called North Kingston Forum. The group are also seeking to be designated as a Neighbourhood Forum.
- C. The consultation period ran for a period of seven weeks from 12th December 2016 to 30th January 2017 and was publicised: on the council's website; through site notices in North Kingston; and through correspondence to all contacts on the Strategic Planning consultation database.
- D. There were 20 representation made during the consultation period, of which three made suggestions for modifying the boundary.
- E. The area applied for is considered to form a coherent area with appropriate boundaries, in accordance with the guidance set out in national planning practice guidance.
- F. Under powers delegated by the Growth Committee on 23rd November 2016, it is recommended that the Director of Place designates the area outlined in Annex 1 as the North Kingston Neighbourhood Area,
- G. The next steps to be taken involve publicising the decision to designate the Neighbourhood Area and commence the consultation for the application to have North Kingston Forum designated as the Neighbourhood Forum for this area.

### **Context**

1. The Localism Act 2011 introduced three 'neighbourhood level' planning powers, which came into force in April 2012. These are:
  - Neighbourhood Development Plans (commonly known as Neighbourhood Plans);
  - Neighbourhood Development Orders; and
  - Community Right to Build Orders.
2. The Neighbourhood Planning Regulations 2012 (and 2015 amendment) set out the minimum level of requirements in relation to designating Neighbourhood Areas and Neighbourhood Forums.

3. The Growth Committee delegated powers to designate Neighbourhood Areas and Neighbourhood Forums to the Director of Place in November 2016.

#### Neighbourhood Area Application

4. The first step required to secure neighbourhood planning powers is for the local planning authority designate a Neighbourhood Area.
5. Neighbourhood planning regulations requires that only a group that can demonstrate that it is capable of becoming a Neighbourhood Forum can submit an application, i.e. that it representative of the area and has a constitution.
6. On 19th August 2016, a local community group of North Kingston residents called North Kingston Forum submitted an application to have an area of North Kingston designated as a Neighbourhood Area (see Annex 1).

#### **Consultation**

7. The application was published for consultation from 12th December 2016 to 30th January 2016 for a period of seven weeks. The delay in starting the consultation was caused by an amendment to the borough's Neighbourhood Planning Protocol, which was adopted by Growth Committee on 23rd November 2016. The North Kingston Forum were kept updated of the situation throughout.
8. Regulations require that when a valid Neighbourhood Area application is submitted, the local planning authority must publicise the following on their website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates:
  - a copy of the area application;
  - details of how to make representations; and
  - the date by which those representations must be received, being not less than six weeks from the date on which the area application is first publicised.
9. The council publicised the above information in the neighbourhood planning webpage of its websites and the relevant documents, including the map and corresponding statement. Copies of these documents were also available to view at Tudor Drive library and at the customer contact centre in Guildhall 2.
10. The council notified all contacts in registered on the Strategic Planning consultation database (approximately 2,000) by email and letter. 11 site notices were put up at locations throughout the wards of Canbury and Tudor.
11. A total of 20 responses were received, including 8 that were in support of the proposed area. Three comments were received that suggested changes to the boundaries of the proposed area that suggested including of the whole of the Liverpool Road Conservation Area and excluding the part of the proposed area that falls within the Kingston Town Centre Area Action Plan boundary.
12. A Consultation Statement has been produced which sets out in detail who was consulted, when and where during the public consultation (Annex 2). The Statement also sets out a summary of the responses received.

#### **Consideration of Neighbourhood Area Application**

13. National planning practice guidance states that electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a Neighbourhood Area and that the following could be considerations when deciding the boundaries of a Neighbourhood Area:
- village or settlement boundaries, which could reflect areas of planned expansion;
  - the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
  - the area where formal or informal networks of community based groups operate;
  - the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
  - whether the area forms all or part of a coherent estate either for businesses or residents;
  - whether the area is wholly or predominantly a business area;
  - whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
  - the natural setting or features in an area;
  - size of the population (living and working) in the area.
14. The proposed area boundary follows:
- The borough boundary with the London Borough of Richmond upon Thames to the north;
  - the boundary of Richmond Park and the ward boundary of Coombe Hill to the east;
  - the railway line to the south; and
  - the River Thames to the west.
15. The proposed Neighbourhood Area comprises the entirety of the borough wards of Canbury and Tudor. The 2015 ONS mid-year population estimates for Canbury (14,740) and Tudor (9,995) wards give a total of approximately 25,000 residents. Although this is a significant population, it is recognised that the proposed area has a relatively high population density in comparison to the rest of the borough and the geographic extent of the area is considered an appropriate size.
16. The statement submitted as part of the application explains that an extensive consultation process was conducted by North Kingston Forum. It revealed that residents felt a greater attachment to the area of North Kingston rather than the electoral wards. The majority of the proposed area is characterised as being predominantly in residential use, with numerous local businesses, shops, schools, recreational facilities and open space. It is therefore also an appropriate designation in terms of community identity, despite the larger population.
17. There were three responses that sought to amend the proposed boundary. They were from: Historic England, CNM Estates and Kingston Gate Properties Limited.
18. The response from Historic England raised concerns about the exclusion of part of the Liverpool Road Conservation Area from the proposed area. The Conservation Area straddles either side of Queen's Road, which form part of the proposed area boundary. However, it is considered that as Queen's Road is the main thoroughfare from the borough into Richmond Park, it forms an appropriate boundary. Furthermore any potential future planning policy in a Neighbourhood Area should address matters concerning the significance of the Conservation Area where

necessary. There is no alternative boundary which would be rational geographically, and the merit in either wholly including or wholly excluding the conservation area does not outweigh the benefits of following the administrative ward boundary.

19. Two responses suggested removing part of the southern end of the proposed area, just north of the railway line on the grounds that this part includes sites with strategic planning allocations and that the character of this part of the proposed area is distinctly different from the rest of the proposed area. It is recognised that that the proposed area includes land that falls within the boundary of the Kingston Town Centre Area Action Plan and the North Kingston Development Brief SPD and includes proposal sites that have either been completed or have been granted planning permission for developments that are predominantly in residential use. Although this part of the town centre has seen significant regeneration over the last 10 years, it is considered to form a homogenous and coherent whole with the rest of the proposed area as it is predominantly in residential use. No better boundary than the railway line was identified and again these responses did not outweigh the benefits of following the ward boundary.
20. In summary, the proposed area covers an appropriately sized geographic area with clearly defined boundaries that complies with national planning practice guidance and is therefore considered acceptable for the purposes of planning at the neighbourhood level.

### **Next Steps**

21. Regulations require that, as soon as possible after designating a Neighbourhood Area, a local planning authority publicise the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area:
  - the name of the neighbourhood area;
  - a map which identifies the area; and
  - the name of the relevant body who applied for the designation.
22. The council will proceed with publicising North Kingston Forum's application to be designated as the Neighbourhood Forum for consultation as soon as possible after publishing the decision to designate as a Neighbourhood Area. A subsequent report will then be prepared with a recommendation on a decision.

### **Resource Implications**

23. There are statutory obligations for the Council to publicise the Neighbourhood Forum application, support the Neighbourhood Plan examination and conduct the referendum. It should be noted that the Council is eligible to funding support from DCLG following the completion of each key stage of the neighbourhood planning process.

### **Legal Implications**

24. A Neighbourhood Plan will affect how the Council determines planning applications and how it carries out other planning functions, including send consultations to the Neighbourhood Forum. There will also be implications on how Community Infrastructure Levy for development in the Neighbourhood Area is spent.

### **Risk Assessment**

25. No specific risks have been identified.

### **Equalities Impact Assessment**

26. This has been covered by the Neighbourhood Planning Regulations.

### **Road Network Implications**

27. No specific road network implications have been identified.

### **Environmental Implications**

28. No specific environmental implications have been identified.

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### **List of reports and supporting information**

- Annex 1 - Map showing the proposed North Kingston Neighbourhood Area
- Annex 2 - Consultation Statement on the North Kingston Neighbourhood Area Application

### **List of Background reports/document**

- Amended Neighbourhood Planning Protocol (adopted November 2016)
- Statement on the application for designation of the North Kingston Forum and Neighbourhood Area.