

21/01935/CREG3: Response to consultation on planning application to demolish the Kingfisher Leisure Centre by Kingston Council

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1. No environmental assessment

There is no environmental assessment of this planning application despite the likelihood that it will have a major adverse effect on potentially a large number of sensitivity receptors and a major adverse effect on the natural and historic environment on and beyond the site.

2. Lack of Heritage Statement

The Heritage Statement must be provided as a separate written document. This has not been done. The document is blank.

This Heritage Statement document states that the Heritage Statement is attached in the Demolition Management Plan (DMP). This is not the case.

There is no HERITAGE STATEMENT in the DMP, simply a few paragraphs on "Archaeological and Cultural Heritage". This does not meet the requirements for a Heritage Statement as laid out below and the Application must be REFUSED on this basis:

What information should be included in a heritage statement?

You must provide a justification of the proposal under the criteria set out in the National Planning Policy Framework.

You must provide information about:

- the significance of the heritage asset affected, including any contribution made by their setting,
- the principles of and justification for the proposed works, and
- the impact of the proposal on the significance of a heritage asset, does it cause a lot of harm or total loss of significance.

The information should explain:

- the sources that you have considered,
- the expertise that you have consulted, and
- the steps that have been taken to avoid or minimise any adverse impacts on the significance of the asset.

If the proposed works would cause substantial harm or total loss of significance, you must provide a method statement and justification in line with National Planning Policy Framework.

The type and amount of detail required will vary according to the particular circumstances of each application.

You can provide this information in the design and access statement, where one is required, as part of the explanation of the design concept.

If you are not required to submit a design and access statement then you should provide this information in a separate written statement.

3. Historic importance of heritage assets of archaeological significance necessitates a field evaluation prior to any demolition activity on the site

The Kingfisher Leisure Centre (“Kingfisher”) forms part of a wider site which includes the old Cattle Market and areas of completely undeveloped land. The site is a Conservation Area and is in an Archaeological Priority Area and an Area of Archaeological Significance. It is also in two historic characterisation zones, Kingston Core and Kingston North.

The Archaeological Survey that accompanies the application to demolish the Kingfisher Leisure Centre - a plan that will affect the wider site - is only accompanied by a desk-based assessment of the likelihood of archaeological interest on the site. Given the significance of past archaeological finds in the vicinity of the site, that has been recognised in the Survey, this appears not to comply with the NPPF 2019 which states in Paragraph 189 that a field evaluation may need to take place. The archaeological significance of a site in the centre of Kingston with the designations that this site carries and the finds from all periods on and around the site must surely fall within the definition of necessitating a field evaluation.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

In addition, the conclusions of the Archaeological Survey are not based on sound argument. Evidence of the very rich archaeology on and near this site must necessitate a field evaluation of the site PRIOR to any demolition work.

The report is contradictory. In part 7.5.1 it says if evidence of an on-site pottery is found, this could be considered of Regional to National Significance, whereas in the Conclusion, the report states that such evidence would only be of regional significance.

Whilst admitting in 8.2.1 that demolition works will have a HIGH impact on artefacts that may lie between foundations, no archaeological trial trench posting is recommended until AFTER demolition (Point 9.9). This will be too late. A similar statement is made about the HIGH ADVERSE impact of below ground REMOVAL of foundations in point 9.8 which highlights the need for a field evaluation of the site.

Added to this, in 8.1.4, the consultants mention that the South East area of the site has “always been open ground”. Any disturbance to this area of the site could therefore have a significant adverse impact on heritage assets of archaeological significance. One can see clearly how a large area of the site that is undisturbed land in Appendix A of the Construction Traffic Management Plan.

4. Demolition of Kingfisher with no on-site survey will result in loss of historical artefacts

The demolition of the Kingfisher with NO on-site archaeological survey will result in the damage to and loss of any artefacts between foundations and during the removal of foundations. This has been acknowledged by the consultants in the Archaeological Survey.

5. New Leisure Centre may become financially unviable if significant archaeological finds are discovered

The council is not intending to do a full archaeological survey of the wider site of which the Kingfisher forms part in their development plans BEFORE they demolish the Kingfisher. Much of the land around the Kingfisher has NOT ever been developed and is likely to contain significant archaeological finds. The costs of excavating these finds and the delay to any proposed development on the wider site could easily be deemed to make the re-provision of a leisure centre on this site UNVIABLE.

6. Protected Trees will be harmed and felled

The Arbocultural Repors states that there are twenty two mature trees on the site. As a result of the proposed demolition, four of these trees – which are in a Conservation Area – could be removed to facilitate the demolition. Point 4.4 states that “the proposed development will remove a section of scattered mature and semi-mature trees located on the north east aspect of site, building B1 and areas of horticultural planting”.

This area already suffers from extremely high levels of pollution and the removal of any trees should not be permitted at a time of climate emergency. The trees also provide essential habitat for a wide range of creatures and stepping stones between areas of green space in Kingston, which are becoming increasingly rare. Many new trees planted by the council are not surviving even one year, so it is critical that all mature trees are preserved. The stag beetle is not mentioned in either the Arbocultural Report or Preliminary Ecological Appraisal and therefore no actions are outlined for its protection.

7. Stag beetles are not considered, despite legal requirements to do so

The Arbocultural Report states that any work to trees should consider the potential presence of protected species and refers readers to The Preliminary Ecological Appraisal. However, the Preliminary Ecological Appraisal make NO reference to the protected Stag Beetle, the larvae of which – and in certain months the adults – may be present on site, both in roots of trees and in any other wood present on the site.

Kingston, as the Local Planning Authority and competent authority, must therefore *consider the species as a material consideration in its deliberation, in addition to any safeguards laid down by Kingston’s Core Strategy*. If they do not, they will breach legal duties placed on the local planning authority under Schedule 5 of the Wildlife and Countryside Act 1981 in which stag beetles are a protected species. The council is unable to fulfil its legal obligations as the stag beetle has not been considered at all in the Ecological Appraisal and the applicant – also the council - has not put forward any proposals for how it intends to deal with any possible harm to stag beetles or their larvae through mitigation to satisfy the local authority that it has dealt appropriately with this matter.

There is no mechanism in the Preliminary Ecological Assessment for Stag Beetle larvae even to be identified let alone protected as laid out in point 4.17 which states that “*in the unlikely event that other protected species are found during site clearance or construction, works must stop immediately, and advice sought from a suitably qualified ecologist on how to proceed*”.

8. Incomplete and inadequate consultation on Council's plans for the Kingfisher

There has been no consultation on whether the Kingfisher should be demolished.

All consultation by the council has been about what residents would like a new leisure centre - that may never be built - to look like. The decision to demolish has been presented as a fait accompli. The consultation on the form and content of a possible new leisure centre was thus constructed with a pre-determined end which is to demolish the existing leisure centre.

The council states in its "Consultation Sheet" that:

Throughout the above programme of work the messaging was clear that the council is proposing to replace the current Kingfisher Leisure Centre with a new facility and create a new community leisure, well-being and cultural destination in the town centre.

However, the Council NEVER asked as part of the consultation whether residents would prefer the Kingfisher to be repaired or demolished and rebuilt.

It is also of great concern that consultants in the Construction Traffic Management Plan make it clear in point 1.1.3 that the Kingfisher is "now deemed surplus to requirements" which implies the council actually has no intention of replacing the leisure centre at all.

The council had not at any point made clear that it would be applying to demolish the Kingfisher BEFORE applying for permission to rebuild.

The planning application to demolish the Kingfisher has been kept quiet by the Council and not publicised at all, even though the council has – while the planning application has been open – been publicising plans for a "new leisure centre" that may never happen.

The planning application was found by chance and has been made available for comment for the MINIMUM period possible, including two weeks of the summer holidays for families with children at private schools.

It would not be right or democratic and would breach Gunning principles of consultation for the council to have consulted on provision of "a new community leisure, well-being and cultural destination in the town centre" when the action it is actually planning to take is the DEMOLITION of the existing leisure centre.

9. Construction traffic movements are not supported with evidence

The assumption that there will only be two construction vehicles a day travelling to and from the demolition site is not backed up with evidence. It seems highly unlikely that the whole building can be demolished using only two vehicles a day. In addition, a peak number of 50 HGV movements in August may not be spread equally over the month and not represent 2 per day as asserted in the Construction Traffic Management Plan. There needs to be a guarantee that movements of HGVs will be evenly distributed throughout the month and that they will occur at times that will have the least adverse effect on people en route and nearby. There should be a limit of 50 on the number of vehicles in August and a limit on other months.

10. The written consent of Sports England to demolition of the Kingfisher has not been obtained

Under the Proprietorship Register for Title Number SGL651963 relating to the Kingfisher Site it is written that "no disposition of that part of the registered estate....is to be registered without a written consent signed by The English Sports Council (the trading name for Sports England)". There is no evidence that the Council has sought or received consent from Sports England to demolish the Kingfisher or any indication that Sports England would approve to a plan to demolish a leisure centre with no guaranteed re-provision of a swimming pool.

11. Demolition Management Plan (DMP) does not demonstrate how legal compliance will be achieved

The DMP includes the following Key Sensitive Receptors only in point 5.2: Kingston Museum, Kingston Quaker Centre, Fairfield Bus Station and Residents of Fairfield Street.

NO assessment whatsoever is made of the effects on air quality and dust pollution from the demolition project and no assessment of the DEGREE of adverse effect on each Key Sensitive Receptor is given eg minor, major and so forth. No assessment is given of the NUMBER of people who will be affected at each Key Sensitive Receptor.

This application MUST not be approved without such an assessment.

Measures listed for controlling effects are "if applicable" and "where possible" "kept to a minimum" and so forth.

In addition, only residents of Fairfield Street are deemed to be affected by the demolition – with no evidence given as to the reason for this conclusion.

Why will people living on other roads near the demolition site not be affected by the project in terms of noise, dust and NO2 pollution? This is not assessed in any way.

The DMP does not state how the objectives and targets laid out in Figure 3 "Performance Targets for Kingfisher Demolition" will be achieved through specific actions given the specific nature of the site, access to it, its historical significance and environmental factors affecting it.

12. Discrepancy on waste recycling achievable

The Site Waste Management Plan Point 4.3 contradicts the figures given in the DMP for diversion of waste from landfill. This discrepancy needs to be corrected before the application is considered. The SWMP states that segregated material will be recycled at a level of at least 90% with mixed construction waste recycled at a rate of at least 75%.

13. The Kingfisher is the object of an application to be listed as an Asset of Community Value

No demolition of the building should take place until this application has been decided upon.