Agenda

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e-mail: james.geach@kingston.gov.uk

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Published on 27 November 2017

Development Control Committee

Date: Wednesday 6 December 2017
Time: 7:30 pm
Place: Guildhall, Kingston upon Thames

Members of the Committee

Councillor Roy Arora (Chair)
Councillor Gaj Wallooppillai (Vice Chair)
Councillor Bill Brisbane
Councillor Malcolm Self
Councillor Jack Cheetham
Councillor Lorraine Dunstone
Councillor Paul Bedforth
Councillor Rebekah Moll
Councillor David Glasspool
Councillor Eric Humphrey
Councillor Priyen Patel

Everyone is welcome to attend the meeting

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Agenda

1. Apologies for absence and attendance of substitute Members

2. Minutes
   To confirm the minutes of the meeting held on 6 September 2017.

3. Declarations of interest
   Members are asked to declare any disclosable pecuniary interests and any other non-pecuniary interests (personal interests) relevant to items on this agenda.

4. Planning Applications

5. Urgent items authorised by the Chair
   To consider any items which, in the view of the Chair, should be dealt with as a matter of urgency because of special circumstances in accordance with S100B(4) of the Local Government Act 1972.
Welcome to this meeting.

A large print copy of the agenda can be requested in advance.

Webcasting of the meeting

This meeting will be webcast live on https://kingston.public-i.tv/core/portal/home and a recording will also be available to watch back a few hours afterwards. Recordings are accessible for a period of 12 months. Members of the public sitting in the public seating area will not generally be in direct camera shot but we cannot always guarantee this so please note that, by attending the meeting you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Filming - Residents and journalists/media wishing to film meetings are permitted to do so but are asked to give advance notice of this and respect any concerns expressed by people on being filmed.

Running order - Items may be taken in a different order depending on the interests of the members of the public present at the meeting. Please fill out a green form, available at the start of the meeting, if you would like to request that a particular item is heard earlier.

Contact for further information - For further about Council Committees and meetings please contact: James Geach 020 8547 5062, e-mail: james.geach@kingston.gov.uk
Speaking on Planning Applications, Enforcement, or Tree Preservation Orders

There is a registration scheme for residents wishing to speak on planning applications, tree preservation orders or enforcement cases to be determined by the Committee.

The arrangements for speaking on applications are based on both sides having equal time to make their points to Councillors. To make sure that the meeting runs in a way which is fair to everyone, these arrangements will be followed without any exceptions being made. The full scheme is on the Council website at the 'Council and Decision making' webpages.

Everyone wishing to speak on an application, Enforcement Action or Tree Preservation Order must have registered THREE days before the meeting. **Objectors must have responded to the consultation on an application**

**Registration deadline:** 10:00am, Monday 4 December 2017

To register please contact: James Geach 020 8547 5062, e-mail: james.geach@kingston.gov.uk

**Time for speaking - FIVE** minutes is allowed for each side on each application. This time has to be shared by however many there are on each side. If there are a large number of speakers people must decide amongst themselves on a spokesperson or some other arrangement.

The Chair of the meeting has no discretion to extend the time limit.

Speakers may find it helpful to have made some notes on what they want to say, so that they make the most of the speaking time. The notes attached to the original consultation letter from the Planning Officer will have explained the things that the Committee can't take account of - loss of view, property values etc.

<table>
<thead>
<tr>
<th>Planning applications</th>
<th>Enforcement/Tree Preservation Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Planning Officer to present item</td>
<td>Planning Officer to present item</td>
</tr>
<tr>
<td>2. Objector(s) (5 minutes)</td>
<td>Land/property owner (5 minutes)</td>
</tr>
<tr>
<td>3. Applicant (5 minutes)</td>
<td>The Council as applicant and/or supporters of the action proposed (5 minutes)</td>
</tr>
<tr>
<td>4. Questions from Committee:</td>
<td>Questions from Committee</td>
</tr>
<tr>
<td>5. Objector(s) (5 minutes) Applicant (5 minutes)</td>
<td>Land/property owner (5 minutes) The Council as applicant and/or supporters of the action proposed (5 minutes)</td>
</tr>
</tbody>
</table>

6. Sweep up by Planning Officer
7. Questions from Committee to Officers
8. Debate and decision by Committee
<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>REGISTER NO</th>
<th>ADDRESS</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>16/10482</td>
<td>Development Land And Site At 1 Hook Rise South, Surbiton</td>
<td>Part detailed/ part outline application for a total of 950 residential dwellings and other uses comprising: 1) Detailed: Erection of 211 residential dwellings (Use Class C3) with associated ground floor uses including Class D1 (Nursery) and Community Uses; (Class A1/A3) Restaurant/Café and 60 car parking spaces, bus layover and driver facilities; landscaping and ancillary works; 2) Outline: Erection of 739 residential units (Use Class C3) with associated other ground floor uses (Class D1) Doctor Surgery; (Class A1) Retail; Cycle Hub and 328 car parking spaces.</td>
<td>PERMIT</td>
<td>A4</td>
</tr>
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</table>

Report 418541
<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>REGISTER NO</th>
<th>ADDRESS</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2</td>
<td>16/13280</td>
<td>57 Eden Street, Kingston upon Thames, KT1 1DA</td>
<td>Demolition of existing building and erection of an eight storey mixed use building accommodating 1,620sqm of retail floorspace and 40 flats with associated amenity space and servicing area to rear and on land of Gough House.</td>
<td>PERMIT</td>
<td>A133</td>
</tr>
<tr>
<td>A3</td>
<td>17/12088</td>
<td>11-13 Thames Street, Kingston upon Thames, KT1 1PH</td>
<td>Partial demolition of 11-13 Thames Street (with the retention of the Listed facade) and construction of a five storey attached building to provided retail (A1) at ground floor level and 10 x 2 bed and 16 x 1 residential units (C3) above.</td>
<td>PERMIT</td>
<td>A178</td>
</tr>
</tbody>
</table>
All recommendations for planning permission in this section are automatically subject to the condition limiting the duration of the permission required by Sections 91 and 92 of the Town and Country Planning Act (as amended) 1990 unless permission is to be granted for a limited period or unless there is a specific recommendation that the period for such duration be other than the period referred to in the standard condition. All background papers are incorporated into Planning Application Reports.

The policies listed are those from the Royal Borough of Kingston upon Thames the Local Development Framework Core Strategy, Adopted April 2012.
Date of Meeting: 06:12:2017

A1  Register No:  16/10482/FUL

Address:  DEVELOPMENT LAND AND SITE AT 1, HOOK RISE SOUTH, SURBITON

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[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]
Ward: Tolworth and Hook Rise  
Description of Proposal: Part detailed/ part outline application for a total of 950 residential dwellings and other uses comprising: 1) Detailed: Erection of 211 residential dwellings (Use Class C3) with associated ground floor uses including Class D1 (Nursery) and Community Uses; (Class A1/A3) Restaurant/Café and 60 car parking spaces, bus layover and driver facilities; landscaping and ancillary works; 2) Outline: Erection of 739 residential units (Use Class C3) with associated other ground floor uses (Class D1) Doctor Surgery; (Class A1) Retail; Cycle Hub and 328 car parking spaces.

Plan Type: Hybrid Application  
Expiry Date: 14/03/2017

Summary Report
Proposed construction of a hybrid (part detailed, part outline) residential led regeneration of a vacant brownfield site consisting of 6 phases, 1 detailed and 5 outline. The application proposes a total of 950 units, a (Class D1) Nursery, a (Class D1) Community facility, a (Class D1) Doctors’ Surgery, a (Class A3) Café, a (Class A1) Retail unit, a cycle hub, bus layover, stop and driver facilities, 388 car parking spaces, enhanced cycle and pedestrian links along Hook Rise South and Kingston Road, an energy centre, associated landscaping and other ancillary works.

30 Letters of objection have been received.

The main considerations material to the determination of this application are:  
- Principle of the Proposed Development  
- Impact on the Character of the Area  
- Quality of Accommodation  
- Highways and Parking  
- Sustainability  
- Air Quality  
- Metropolitan Open Land (MOL)

This site has been the subject of a recent Appeal Decision (September 2017) for a residential led, mixed-use scheme comprising buildings ranging from 3 to 18 storeys in height, providing 705 residential dwellings (Use Class A3); a mixture of Class A1/A3/D1/D2/B1 floor space (to include a 262sqm retail convenience store, a doctors surgery and day nursery) with associated car parking and bus interchange. Although the Secretary of State concluded that the site was capable of successfully accommodating the proposed housing density and that the proposed levels of parking provision would not be an unacceptable drawback of the scheme. The Appeal was dismissed for the reason that the legal agreement did not secure affordable housing and the necessary contribution to the strategic roundabout works, which were considered necessary to mitigate the additional traffic that would be generated by the proposed development. This decision is a material consideration.

Key Standards Dashboard
<table>
<thead>
<tr>
<th>Planning Issue</th>
<th>Relevant Standard</th>
<th>Proposed</th>
<th>Is this Aspect in Accordance with the Development Plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>170 u/ha</td>
<td>231.7 u/ha</td>
<td>No</td>
</tr>
<tr>
<td>Affordable housing</td>
<td>50%</td>
<td>25%</td>
<td>Yes, subject to a full viability test</td>
</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>30% 3 beds</td>
<td>Yes</td>
</tr>
<tr>
<td>Car Parking Spaces</td>
<td>647 maximum</td>
<td>356</td>
<td>Yes</td>
</tr>
<tr>
<td>Cycle Parking Spaces</td>
<td>1,563 minimum</td>
<td>1,614 minimum</td>
<td>Yes</td>
</tr>
<tr>
<td>Sustainability – C02</td>
<td>Zero Carbon</td>
<td>35% reduction and a Carbon Offset Payment</td>
<td>Yes, subject to the receipt of the Carbon Offset payment</td>
</tr>
</tbody>
</table>

**Recommendation**

Approve subject to referral to the Mayor of London and the Secretary of State and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), as specified in the legal agreements section, and subject to conditions.

**Applicant’s Plan Nos:**

- 01195-JTP-BD-107 Seventh Floor_revC Received 17/11/2017
- 01195-JTP-MP-001 Rev P1 Site Location Plan Received 06/12/2016
- 01195-JTP-MP-002 Rev P1Existing Site Plan Received 06/12/2016
- 01195_Addendum Submission Rev 3_P Received 03/05/2017
- 01195_JTP_MP_012 - Level 02 Plan_revA Received 21/03/2017
- 01195_JTP_BD_100 - Ground Floor Plan_revD Received 25/05/2017
- 01195_JTP_BD_101 - First Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_102 - Second Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_103 - Third Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_104 - Fourth Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_105 - Fifth Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_106 - Sixth Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_108 - Eighth Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_109 - Ninth Floor Plan_revC Received 25/05/2017
- 01195_JTP_BD_150_Pavilion Drawing Set Received 21/03/2017
- 01195_JTP_BD_151_Bus Station Plans Received 21/03/2017
- 01195_JTP_BD_152_Bus Station Elevations Received 21/03/2017
- 01195_JTP_BD_153_Bus Driver Facilities Sheet Received 21/03/2017
- 01195_JTP_BD_160 - Toby Way Elevation Received 03/05/2017
- 01195_JTP_BD_200 - Block D - North West Elevation_revC Received 03/05/2017
- 01195_JTP_BD_201 - Block D - South East Elevation_revC Received 03/05/2017
- 01195_JTP_BD_202 - Block D1 South West Received 03/05/2017
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<td>01195_JTP_BD_203</td>
<td>Block D1 - North East</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_204</td>
<td>Block D2 South West</td>
<td>03/05/2017</td>
</tr>
<tr>
<td>01195_JTP_BD_205</td>
<td>Block D2 North East</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_206</td>
<td>Block D3 South West</td>
<td>03/05/2017</td>
</tr>
<tr>
<td>01195_JTP_BD_207</td>
<td>Block D3 North East</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_300</td>
<td>Block D Schematic Section – Rev A</td>
<td>03/05/2017</td>
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<tr>
<td>01195_JTP_MP-016</td>
<td>Level 06 Plan_revA</td>
<td>21/03/2017</td>
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<td>01195_JTP_MP_010</td>
<td>Level 00 Plan_revA</td>
<td>21/03/2017</td>
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<td>01195_JTP_MP_011</td>
<td>Level 01 Plan_revA</td>
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<td>Level 03 Plan_revA</td>
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<td>01195_JTP_MP_014</td>
<td>Level 04 Plan_revA</td>
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<td>01195_JTP_MP_017</td>
<td>Level 07 Plan_revA</td>
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<td>01195_JTP_MP_018</td>
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<td>Level 09 Plan_revA</td>
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<td>01195_JTP_MP_020</td>
<td>Roof Plan_revA</td>
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<td>Layout_revB</td>
<td>21/03/2017</td>
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<td>Storey Heights_revB</td>
<td>21/03/2017</td>
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<td>01195_JTP_MP_104</td>
<td>Playspace Provision_revB</td>
<td>21/03/2017</td>
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<td>01195_JTP_MP_105</td>
<td>Building Heights 01_revC</td>
<td>03/05/2017</td>
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<td>01195_JTP_MP_106</td>
<td>Building Heights 02</td>
<td>03/05/2017</td>
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<td>01195_JTP_MP_107</td>
<td>Indicative Phasing Plan_revA</td>
<td>03/05/2017</td>
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<tr>
<td>BMD.16.026.DR.002</td>
<td>Illustrative Landscape Masterplan</td>
<td>06/12/2016</td>
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<td>BMD.16.026.DR.100.B</td>
<td>Landscape Masterplan</td>
<td>21/03/2017</td>
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<tr>
<td>BMD.16.026.DR.101.B</td>
<td>Phase 1 General Arrangement</td>
<td>21/03/2017</td>
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<tr>
<td>BMD.16.026.DR.302.A</td>
<td>Phase 1 Detailed Planting Plan</td>
<td>21/03/2017</td>
</tr>
<tr>
<td>BMD.16.026.DR.401</td>
<td>Phase 1 Detailed Sections (Sheet 1 of 5)</td>
<td>06/12/2016</td>
</tr>
<tr>
<td>BMD.16.026.DR.402</td>
<td>Phase 1 Detailed Sections (Sheet 2 of 5)</td>
<td>06/12/2016</td>
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<tr>
<td>BMD.16.026.DR.403</td>
<td>Phase 1 Detailed Sections (Sheet 3 of 5)</td>
<td>06/12/2016</td>
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<tr>
<td>BMD.16.026.DR.404.A</td>
<td>Phase 1 Detailed Sections</td>
<td>21/03/2017</td>
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<tr>
<td>BMD.16.026.DR.405</td>
<td>Phase 1 Detailed Sections (Sheet 5 of 5)</td>
<td>06/12/2016</td>
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<tr>
<td>BMD.16.026.DR.701</td>
<td>Podium Soil Profile</td>
<td>06/12/2016</td>
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<tr>
<td>Design and Access Statement</td>
<td></td>
<td>06/12/2016</td>
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</tbody>
</table>
BASIC INFORMATION

National Planning Policy Framework (NPPF) 2012

Development Plan: Mayor for London
London Plan March 2016 (consolidated with alterations since 2011)
LDF Core Strategy Adopted April 2012
Kingston Town Centre AAP 2008

Policies

LONDON PLAN MARCH 2016

LP 1.1 Delivering the strategic vision and objectives for London
LP 2.6 Outer London: vision and strategy
LP 2.7 Outer London: economy
LP 2.8 Outer London: transport
LP 3.3 Increasing housing supply
LP 3.4 Optimising housing potential
LP 3.5 Quality and design of housing developments
LP 3.6 Children and young people’s play and informal recreation facilities
LP 3.7 Large residential developments
LP 3.8 Housing choice
LP 3.9 Mixed and balanced communities
LP 3.10 Definition of affordable housing
LP 3.11 Affordable housing targets
LP 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
LP 3.13 Affordable housing thresholds
LP 5.1 Climate change mitigation
LP 5.2 Minimising carbon dioxide emissions
LP 5.3 Sustainable design and construction
LP 5.4 Retrofitting
LP 5.5 Decentralised energy networks
LP 5.6 Decentralised energy in development proposals
LP 5.7 Renewable energy
LP 5.9 Overheating and cooling
LP 5.10 Urban greening
LP 5.11 Green roofs and development site environs
LP 5.12 Flood risk management
LP 5.13 Sustainable drainage
LP 5.14 Water quality and wastewater infrastructure
LP 5.15 Water use and supplies
LP 5.16 Waste self-sufficiency
LP 5.17 Waste capacity
LP 5.18 Construction, excavation and demolition waste
LP 6.1 Strategic approach
LP 6.2 Providing public transport capacity and safeguarding land for transport
LP 6.3 Assessing effects of development on transport capacity
| LP 6.4 | Enhancing London’s transport connectivity |
| LP 6.5 | Funding Crossrail and other strategically important transport infrastructure |
| LP 6.7 | Better streets and surface transport |
| LP 6.9 | Cycling |
| LP 6.10 | Walking |
| LP 6.11 | Smoothing traffic flow and tackling congestion |
| LP 6.12 | Road network capacity |
| LP 6.13 | Parking |
| LP 7.1 | Lifetime neighbourhoods |
| LP 7.2 | An Inclusive environment |
| LP 7.3 | Designing out crime |
| LP 7.4 | Local character |
| LP 7.5 | Public realm |
| LP 7.6 | Architecture |
| LP 7.7 | Location and design of tall and large buildings |
| LP 7.8 | Heritage assets and archaeology |
| LP 7.14 | Improving air quality |
| LP 7.15 | Reducing and managing noise, improving and enhancing the acoustic environment |

**LDF KEY AREAS OF CHANGE**

- **T1**
  - Tolworth Key Area of Change

**LDF CORE STRATEGY CORE POLICIES**

- **CS 01** Climate Change Mitigation
- **CS 02** Climate Change Adaptation
- **CS 03** The Natural and Green Environment
- **CS 05** Reducing the Need to Travel
- **CS 06** Sustainable Travel
- **CS 07** Managing Vehicle Use
- **CS 08** Character, Heritage and Design
- **CS 09** Waste Reduction and Management
- **CS 10** Housing Delivery
- **CS 11** Economy and Employment
- **CS 13** Community Health Services
- **CS 14** Safer Communities
- **CS 16** Community Facilities

**LDF CORE STRATEGY DEVELOPMENT MANAGEMENT**

- **DM01** Sustainable Design and Construction Standards
- **DM02** Low Carbon Development
- **DM03** Designing for Changing Climate
- **DM04** Water Management and Flood Risk
- **DM05** Green Belt, Metropolitan Open Land (MOL) and Open Space Needs
- **DM08** Sustainable Transport for New Development
- **DM09** Managing Vehicle Use for New Development
- **DM10** Design Requirements for New Developments
- **DM11** Design Approach
- **DM12** Development in Conservation Areas and Affecting Heritage Assets
- **DM13** Housing Quality and Mix
- **DM15** Affordable Housing
- **DM17** Protecting Existing Employment Land and Premises
- **DM18** New Employment Uses
### Previous Relevant History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Application</th>
<th>Status</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>98/2039/OUT</td>
<td>Demolition of Toby Jug Public House and Government Offices for the erection of building for Class D2 Leisure, Class A3 food+drink, multi-plex cinema, FEC; refurb of existing Bowl, new access, three storey car park for 600 spaces, 231 surface car parking spaces and associated landscaping</td>
<td>Withdrawn</td>
<td>02/03/2000</td>
<td></td>
</tr>
<tr>
<td>06/10260/OUT</td>
<td>Redevelopment to provide foodstore (8265sq m), A1/A2/A3/A4/D1 Community units (2105sq m) and 662 residential flats.</td>
<td>Withdrawn</td>
<td>19/02/2007</td>
<td></td>
</tr>
<tr>
<td>08/10206/EIA</td>
<td>Request for EIA Screening and Scoping Opinion for an outline application – comprehensive mixed use redevelopment for residential, retail and community uses</td>
<td>REQUIRED</td>
<td>17/10/2008</td>
<td></td>
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<tr>
<td>09/10030/OUT</td>
<td>Mixed use development comprising 562 dwellings &amp; retail store (13,662 sq m) with 889 basement parking spaces, D1/D2/A3 Community/Leisure/Restaurant Use (2,581 sq m); remodelling of Tolworth roundabout with vehicular turning lanes, signals &amp; associated highway works including new pedestrian/cycle routes and parking; sustainable energy systems and landscaping (hybrid app)</td>
<td>Withdrawn</td>
<td>22/04/2009</td>
<td></td>
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<tr>
<td>11/10241/EIA</td>
<td>Request for EIA Screening Opinion for an application for redevelopment</td>
<td>NOT REQUIRED</td>
<td>04/11/2011</td>
<td></td>
</tr>
<tr>
<td>12/10141/FUL</td>
<td>Hybrid application for a mixed use development including (Class C1) Hotel; (Class A1) Retail Store; (Class A3) Restaurant &amp; Cafe; 231 parking spaces, bus layover &amp; driver facilities; A3 pedestrian link; landscaping, ancillary works; 199 sqm (Class D1); Change of Use of ground floor units to Class A1/A3/D1; 269 Residential Units (Class C3); 199sqm D1 Floorspace.</td>
<td>Application</td>
<td>Withdrawn</td>
<td>04/02/2014</td>
</tr>
<tr>
<td>14/10350/EIA1</td>
<td>Request for EIA Screening Opinion for an application for redevelopment</td>
<td>Not Required</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Outline application (means of access only) for
705 residential dwellings (Use Class C3) with
associated other ground floor uses including
class A1 (Convenience Retail Store)/ A3
(Cafe)/ D1 (Doctors Surgery)/ D2 (Day
Nursery)/ B1 (Office) floorspace with
associated car parking and a bus
interchange.

Use of the site for the storage of skips,
storage units, machinery, plant and
equipment.

Request for EIA Screening Opinion for
residential led development for approximately
950 residential units (Use Class C3) together
with a mix of commercial units, public realm
enhancements, open space (c.7,000sqm) and
associated landscaping and car parking (the
‘Proposed Development’), on an area of land
measuring 4.4 hectares (a) which was
formerly occupied by Government Officer and
Toby Jug Public House in Tolworth, Surrey
(the ‘Site’)

Consultations

1. 2401 neighbouring properties have been consulted and the application
   was advertised by a site notice and a press notice.

2. 30 letters of objection from 29 residents and a joint objection from the
   Day Group, London Concrete and London United Busways have been
   received stating the following concerns:
   - Too tall;
   - Too dense;
   - Increase in traffic;
   - Not enough car parking;
   - Over development;
   - Over congestion of Tolworth roundabout;
   - Increase in air pollution;
   - Pressure on school places;
   - Overbearing;
   - Out of character with the surrounding area;
   - Unacceptable scale and massing;
   - VISSIM modelling incorrect;
   - Pressure on on-street parking of surrounding streets;
   - Impact on health;
   - Design too uniform;
   - Increased pressure on GPs;
   - Increased pressure on hospitals;
   - Too many units;
No benefit to Tolworth or the local community;
Site should be used for leisure facilities, a cinema, restaurants or a shopping centre instead;
Increase flooding;
Should include housing for homeless people;
Lack of trains at Tolworth station;
Roads should be improved to take additional development;
Electricity supply should be improved to take additional development;
Water and drainage facilities should be improved to take additional development;
Loss of light to existing residents;
Increase in noise from the development;
Impact of the poor air quality on the residents of the development;
Timescale to build the phases is too long;
Lack of affordable housing;
Impact on traffic on Hook Rise South and ability for emergency services to access Hook Rise South;
Tower blocks are unwelcoming;
Access from Hook Rise South unacceptable;
281 extension is unnecessary and would cause delays to the service;
Traffic is also busy during the school run and hasn’t been taken into account;
Prejudice the ability of the Day Group Aggregates, London Concrete batching plant and London United bus depot to operate by way of the noise generated by the sites and potential complaints from new residential units; and
Noise assessment inaccurate.

3. Statutory and Non Statutory Consultation

**Environment Agency:** No comments.
**Health and Safety Executive:** No objection.
**Historic England GLAAS:** No objection, subject to conditions and informatives.

**London Fire Brigade:** No objection subject to the provision of an additional fire hydrant. This would be secured by way of a condition.
**Metropolitan Police:** Requested a 12sqm space within the development for welfare facilities for Metropolitan Police officers within Tolworth.

**Metropolitan Police Designing out Crime Officer:** No objection, subject to the application meeting BS5489:2013 – Lighting.

**Natural England:** No objection.
**Network Rail:** Stated that the proposed development would not have a detrimental impact on the capacity of Tolworth station or cause overcrowding on the trains using Tolworth station. However, they have expressed concern about the impacts of a residential development next to their Strategic Rail Freight terminus and have asked the LPA to ensure that measures are taken to ensure that their operations would
not be adversely affected.

**Sport England:** Objects to the application not providing enough sporting facilities. However, Sport England have provided a calculation using Sport England’s Sports Facilities Calculator (SFC) which calculates the likely demand that will be generated by a development for certain types of facility. The SFC indicates that a potential population of 2,375 will generate a demand for:

- 0.12 swimming pools (£594,128);
- 0.17 sports halls (£496,032);
- 0.02 indoor bowls centres (£56,361); and
- 0.08 artificial grass pitches (£95,732 3G or £75,330 Sand).

**Thames Water:** No objection, subject to conditions and informatives.

**Transport for London (TfL):** No objection to the proposed level of car parking and trip generation from the development, subject to conditions, a S278 agreement and S106 contributions which include a £2.5 million contribution to a Strategic Highway Solution for Tolworth, a contribution to increasing the frequency of the route 281 bus, a contribution and infrastructure towards extending the route 281 bus service and other highways mitigation measures for the scheme.

**UK Power Networks:** No objection, subject to an informative.

**Epsom and Ewell Borough County Council:** No objection.

**Greater London Authority (GLA):** Stated support for the principle of the scheme, including the density. However, in the Stage I report, the following concerns were raised:

- A more ambitious architectural intent, is required for block E;
- 13.18% affordable housing level is unacceptable and needs to be interrogated by an independent consultant;
- Children’s play space below the required level;
- 40% electric only car parking spaces required to resolve air quality issues; and
- Further energy information required to demonstrate the scheme meets the Mayor’s sustainability targets.

**Officer Comment:** These concerns are discussed in the main body of the report below. The applicant has made minor amendments to the scheme to attempt to address some of these concerns.

**London Borough of Merton (LBM):** No objection, subject to highways mitigation measures and additional bus services.

**Surrey County Council:** No objection.

**Achieving for Children:** Stated support for the application, subject to the provision of day nursery providing a year round facility, open for a minimum of 51 weeks Monday to Friday between at least 7:30am and 6:30pm.

**Royal Borough of Kingston (RBK) Climate Change and Sustainability Officer:** No objection to the proposed energy and sustainability levels of the buildings, subject to conditions and a Carbon Offset S106 payment.

**RBK Environmental Health Officer:** No objection, subject to
conditions and infomatives.

**RBK Flood Risk:** No objection, subject to drainage and SUDS conditions.

**RBK Neighbourhood Traffic Engineer:** No objection to the proposed level of car parking, subject to conditions. However, concerns have been raised regarding the predicted queue lengths on Toby Way however, TfL have provided further modelling since these comments. Concerns have also been raised over the proposed 40% electric car only car parking spaces as they are not convinced as to the take up of the spaces in the future.

**RBK Clinical Care Group (CCG):** No response received.

**RBK Sport and Leisure:** Requested a S106 contribution towards sports and leisure provision within the borough to accommodate the population growth from the development.

**RBK Tree and Landscaping Officer:** No objection, subject to conditions.

**RBK Waste and Recycling:** No objection, subject to conditions.

**Chessington Residents Association:** Objects to the application’s density, lack of car parking spaces, impact of air and noise pollution on the site, increase in traffic, scale and massing.

**Kingston Society:** Objects to the application being out of character with the local area, poor design, poor quality of amenity space and too dense.

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**Site and Surroundings**

4. The application site is 4.4 hectares in size and is located to the south-west of Tolworth roundabout, to the west of Kingston Road (A240) and to the south of Hook Rise South and the A3 trunk road. The application site is located approximately 35 metres north of Tolworth Railway Station and less than 100 metres south of Tolworth District Centre.

5. The proposal site was previously occupied by a series of uniform two storey, largely temporary, buildings which ran perpendicular to the A3. The proposal site once included a public house (now demolished) adjacent to the Hollywood Bowl and the Marshall House office building (now demolished) adjacent to Tolworth railway station. The Hollywood Bowl, a 1960s built bowling alley remains operational but outside the application site boundary. The proposal site is now unoccupied and has been vacant for over a decade. Permission was granted for a temporary 3 year consent under planning application reference 15/10078/FUL for the use of the land as Use Class B8 (Open Storage) on the 11th November 2015. The land has now been cleared.

6. The areas to the west of the site are characterised by 1930s/1940s residential development. Tolworth railway station is located on the south eastern tip of the site. Pedestrian access linking the site to the district centre and surrounding residential areas is via a network of subways and footbridge over the A3.

7. Tolworth District Centre lies immediately north of Tolworth roundabout,
clearly landmarked by Tolworth Tower. The district centre comprises a mix of retail and service uses.

8. The site does not contain any listed buildings, is not located within a conservation area and is not within a Flood Risk Zone. It is designated as a Key Area of Change and a Housing Opportunity Area within the LDF Proposals Map (2012) and the site is adjacent to an Archaeological Priority Area. The site is located within 800 metres walking distance of a District Centre and is therefore classed as an urban setting.

Proposal

9. The planning application proposes a hybrid (part detailed, part outline) residential led regeneration of a vacant brownfield site consisting of 6 phases, 1 detailed and 5 outline. The application proposes a total of 950 units, a (Class D1) Nursery, a (Class D1) Community facility, a (Class D1) Doctors’ Surgery, a (Class A3) Café, a (Class A1) Retail unit, a cycle hub, bus layover, stop and driver facilities, 388 car parking spaces, enhanced cycle and pedestrian links along Hook Rise South and Kingston Road, an energy centre, associated landscaping and other ancillary works.

10. The phases would comprise of:

- **Phase 1**: Blocks D1, D2 and D3 comprising of a part 10, part 8, part 2 storey building with two single storey podiums;
- **Phase 2**: Blocks G1 and G2 comprising of two 10 storey buildings with three 2 storey high podiums;
- **Phase 3**: Blocks F1 and F2 comprising of two 8 storey buildings with three 2 storey high podiums;
- **Phase 4**: Blocks A1, A2, B1, B2, C1, C2 and C3 comprising of a part 2, part 4 storey building; a 5 storey building; a part 6, part 5, part 2 storey building with a single storey podium and a part 8, part 7, part 6, part 2 storey building with a two single storey podium respectively;
- **Phase 5**: Block H comprising of a 8 storey building; and
- **Phase 6**: Block E comprising of a part 8, part 6, part 1 storey building.

11. The detailed element (Phase 1) of the planning application consists of a part 10, part 8, part 2 storey building with two single storey podiums comprising of 211 residential dwellings (Class C3) with a ground floor Nursery (Class D1), Community Facility (Class D1), temporary energy centre and 60 car parking spaces; a Café (Class C3); a Bus layover, stop and driver facilities, landscaping, highways works to Hook Rise South, Toby Way, Kingston Road and Lansdowne Close and enhanced cycle and pedestrian links along Hook Rise South and Kingston Road.

12. The proposed part 10, part 8, part 2 storey building would comprise of
7 elements; a 10 storey block, two 8 storey blocks, two sets of three 2 storey mews houses and two single storey communal areas behind the mews house, in between the 10 and 8 storey blocks.

13. The proposed 10 storey element would be 17.3 metres in width, 54 metres in depth, 29.2 metres in height to the eaves and 34.6 metres in height.

14. The proposed 8 storey element would be 17.4 metres in width, 42.2 metres in depth, 22.6 metres in height to the eaves and 28.1 metres in height.

15. The proposed 2 storey blocks of mews houses would be 17.7 metres in width, 8.4 metres in depth and 6.8 metres in height to the parapet roofs.

16. The proposed single storey podium between the 10 storey and 8 storey block would be 17.7 metres in width, 22.7 metres in depth and 3.5 metres in height. The combined depth with the mews houses would be 31.1 metres.

17. The proposed single storey podium between the two 8 storey blocks would be 17.7 metres in width, 33.5 metres in depth and 3.5 metres in height. The combined depth with the mews houses would be 41.9 metres.

18. The combined width of the building would be 87.4 metres.

19. The proposed café would be 7.1 metres in width, 7.2 metres in depth and 4.4 metres in height to the roof.

20. The proposed bus stop would be 41.25 metres in width, 3.2 metres in depth, 2.6 metres in height to the rear pitch and 3.05 metres in height to the front pitch.

21. The proposed bus driver facilities would be 2.15 metres in width, 1.6 metres in depth and 2.6 metres in height.

22. The outline element (Phases 2-6) of the application would consist of 10 buildings of between 2 storeys and 10 storeys in height. The buildings would comprise of 739 residential units (Class C3) with a Doctors’ Surgery (Class D1), a Retail unit (Class A1), a site wide Energy Centre, a Cycle Hub, 328 car parking spaces, landscaping and enhanced cycle and pedestrian links along Hook Rise South.

23. The matters of Appearance and Landscaping are to be reserved with Means of Access, Layout, and Scale to be determined. The proposed maximum scale and height parameters of the outline buildings would be:

- Block A1 would be a maximum 16 metres in depth, 19.5 metres in width and 23 metres in height for the 6 storey element; and a
maximum of 19.5 metres in depth, 20 metres in width and 15.5 metres in height for the 4 storey element. The combined width would be a maximum of 39.5 metres.

- Block A2 would be a maximum of 30 metres in width, 19 metres in depth and 19 metres in height.
- Blocks B1 and B2 would be a maximum of 24 metres in depth, 18 metres in width and 7.5 metres in height for the single storey podium element; a maximum of 24 metres in depth, 17 metres in width and 20 metres in height for the 5 storey element; and a maximum of 27 metres in depth, 17 metres in width and 23 metres in height for the 6 storey element. The combined width would be a maximum of 52 metres.
- Blocks C1, C2 and C3 would be a maximum of 33 metres in depth, 18 metres in width and 7.5 metres in height for the single storey podium elements; a maximum of 33 metres in depth, 17 metres in width and 23 metres in height for the 6 storey element; a maximum of 32.5 metres in depth, 17 metres in width and 26 metres in height for the 7 storey element; and a maximum of 43 metres in depth, 17 metres in width and 29 metres in height for the 8 storey element. The combined width would be a maximum of 87 metres.
- Block E would be a maximum of 28 metres in depth, 7 metres in width and 4.5 metres in height for the single storey element; a maximum of 25 metres in depth, 29 metres in width and 23 metres in height for the 6 storey element; and a maximum of 32.5 metres in depth, 24 metres in width and 29 metres in height for the 8 storey element. The combined width would be a maximum of 60 metres.
- Block F1 and F2 would be a maximum of 33.5 metres in depth, 18 metres in width and 8 metres in height for the 2 storey podium elements; and a maximum of 33.5 metres in depth, 52 metres in width and 29 metres in height for the 8 storey elements. The combined width would be a maximum of 122 metres.
- Blocks G1 and G2 would be a maximum of 37 metres in depth, 18 metres in width and 8 metres in height for the 2 storey podium elements; and a maximum of 37 metres in depth, 35.5 metres in height for the 10 storey elements. The combined width would be a maximum of 122 metres.
- Block H would be a maximum of 29 metres in width, 18 metres in depth and 28.5 metres in height.

24. All of the blocks have an additional 2 metre area around them to allow for balconies or private amenity projections.

25. Residential vehicle access to the site will be via two access points on Hook Rise South. A new access road from Lansdowne Close to Toby Way is proposed, allowing access to the existing Drayton Court Car Park, whilst allowing for the area of Lansdowne Close to the east of the car park entrance to become a one way eastbound bus only route.
Assessment

The main considerations material to the determination of this application are:

- Principle of Proposed Development
- Impact on Character of Area
- Quality of Accommodation
- Private and Communal Amenity Space
- Housing
- Impact on Neighbour’s Residential Amenity
- Highways and Parking
- Landscaping
- Legal Agreements
- Sustainability
- Other Material Considerations
  - Air Quality
  - Health Impacts
  - Education
  - Community Facility
  - Accessibility and Inclusion
  - Archaeology
  - Biodiversity
  - Contamination
  - Flooding and Surface Water Drainage
  - Refuse and Recycling
  - Fire Safety
  - Development adjacent to Metropolitan Open Land (MOL)
  - Cumulative Impact

Principle of Proposed Development

26. The proposal seeks to redevelop a vacant brownfield site for a residential led development with complementary retail, cafe, community and doctors’ facilities. The site’s location adjacent to Tolworth Railway Station and adjacent to Tolworth District Centre is a sustainable location for development and accords with the National Planning Policy Framework (NPPF) to secure economic development and housing delivery wherever possible.

27. The site is identified within the Core Strategy as a ‘Key Area of Change’, specifically for housing, public realm and transport improvements. The site is also identified as a ‘Housing Opportunity Area’, a ‘Development Area’ and a ‘Gateway’ Any development on this site will need to be assessed against Policy T1 of the Core Strategy and whether it is delivering the type of development and infrastructure improvements required.

28. The Royal Borough of Kingston upon Thames Core Strategy (April 2012) sets out the vision for the area, specifically stating that:
- Tolworth will be a vibrant and attractive centre as the role of the District Centre is strengthened and more competitive with a diversified retail offer;
- Tolworth will be a more attractive place to live, work and visit with high quality new development and a high quality public realm; and
- There will be significant new housing development on the government offices, Toby Jug and Marshall House site to provide a range of new homes including houses with gardens, flats and affordable housing.

**Residential Use**

29. NPPF Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. Paragraph 9 continues this theme, stating that sustainable development includes widening the choice of high quality homes.

30. NPPF Paragraph 17 encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

31. NPPF Paragraph 47 states that to boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a
five-year supply of housing land to meet their housing target; and
- Set out their own approach to housing density to reflect local circumstances.

32. Policy 3.3 of the London Plan (March 2016) states that the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Working with relevant partners, the Mayor will seek to ensure the housing need identified in paragraphs 3.16a and 3.16b of the London Plan (49,000 (2015-2036) and 62,000 (2015-2026)) is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.

33. Table 3.1 (Annual average housing supply monitoring targets 2015 – 2025) of the London Plan requires the delivery of 6,434 dwellings within the plan period 2015-2025 and a rate of 643 dwellings per year within the Royal Borough of Kingston-upon-Thames, which is almost double the previous rate of 375 dwellings per year identified in the 2011 London Plan.

34. Core Strategy Policy CS10 (Housing Delivery) states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. New housing should be delivered in the most sustainable locations, and with the associated infrastructure necessary to support it. Tolworth is one of the preferred locations for new housing, as are areas with the greatest Public Transport Accessibility Level (PTAL) and areas in need of improvement or renewal. The location is identified within Figure 20 (Key Housing Sites) as an indicative area of housing delivery. The Policy also states that the Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met.

35. CS Policy T1 (Tolworth Key Area of Change) identifies this site as a ‘Housing Opportunity Area’. The site is therefore specifically identified as a site that is expected to contribute significantly to the delivery of housing across the Borough in accordance with London Plan targets. The provision of residential development on the site is therefore supported by the Council’s Development Plan.

36. CS Policy T1(f) (Housing and Affordability) states that the Council will work with developers and landowners to provide a range of new homes, in particular on the government offices, Toby Jug and Marshall House site to include family housing with gardens outside the district centre and higher density flats with amenity space within the District Centre.

37. In the appeal decision of the recently allowed (29th March 2017) Hotel
Antoinette appeal (Inspectorate reference number: APP/Z5630/W/16/3143390), the Inspector concluded that Kingston does not have a 5 year housing land supply. Following this, the Council has undertaken a full review of previous housing delivery together with the Borough’s 5 year housing land supply. It has now been demonstrated in the 2015/2016 AMR that Kingston does have a robust 5 year housing land supply.

38. The principle of development on the site for the delivery of significant amounts of housing is therefore established within Policy CS10 and T1 of the Council’s adopted Core Strategy.

Community Facility, Doctors’ Surgery and Nursery Use

39. The development proposes three D1 uses on the site. A Children’s Day Nursery and a Community Space within the detailed Phase 1 and a Doctors’ Surgery within the Outline Phase 6. The development is also proposing a space within the development for welfare facilities for Metropolitan Police officers within Tolworth.

40. NPPF Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

41. NPPF Paragraph 17 states that planning should take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

42. NPPF Paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and also ensure that an integrated approach to considering the location of housing, economic uses and community facilities and services is undertaken.

43. LP Policy 3.16 (Protection and Enhancement of Social Infrastructure) states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The policy continues on to state that development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments.

44. The facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the
multiple use of premises should be encouraged.

45. Policy T1(k) of the Core Strategy states that the Council will investigate opportunities within the Tolworth Key Area of Change to provide additional meeting space/space for classes, youth facilities, indoor leisure and recreation facilities (to address deficiencies in provision for badminton, squash, fitness and swimming) through:

- Adapting/improving existing facilities;
- Providing new facilities on development sites, e.g. former government offices, Jubilee Way site; and
- Co-locating facilities.

46. Policy CS16 (Community Facilities) states that the Council will support the provision of new facilities of appropriate size and scale in accessible locations, such as Kingston Town Centre, Surbiton, Tolworth and New Malden District Centres and Local Centres. The Council will also support the co-location of Council, healthcare, police facilities, library, school and voluntary sector facilities in accessible locations, where opportunities arise.

47. Furthermore, Policy DM24 (Protection and Provision of Community Facilities) of the LDF Core Strategy states that the Council will require new developments to contribute towards additional infrastructure requirements and community needs resulting from the development.

48. Policy T(i) states that the Council will investigate opportunities within the Tolworth Key Area of Change to work with local health providers to expand and improve GP provision which is at capacity and in need of upgrading through the provision of a new facility (for relocated practices), e.g. on the Toby Jug/government offices site and work with the Metropolitan Police and the private sector to secure the provision of a base for the Tolworth and Hook Rise police officers within or closer to its policing area, e.g. on or near to Tolworth Broadway.

49. Policy CS13 (Improving Community Health and Well-being) states that the Council and its local strategic health partners will seek to maximise the opportunities to improve public health outcomes through recreation and exercise and to facilitate the reorganisation, improvement and potential co-location of healthcare facilities and to ensure that they are in sustainable, accessible locations, including:

- Doctors’ (GP) premises to meet NHS standards regarding registered patient list sizes, giving priority to areas with health inequalities, under-provision or where existing premises are unable to meet increased demands resulting from new housing development as identified on Figure 23 (including Kingston/Norbiton, Berrylands, Chessington North/Tolworth, Coombe Hill). Potential sites include the former government offices/Toby Jug site and Tolworth Tower in Tolworth and Cocks Crescent in New Malden; and
- Dentistry practices and enhanced pharmacy and optical services in
areas of poor provision, including Berrylands, Canbury, Tolworth and Coombe Hill in locations such as Local Centres, or within integrated healthcare facilities.

50. Policy DM21 (Health Impacts) continues this stating that the Council will:
- Require Health Impact Assessments (HIAs) for all major developments;
- Support proposals that promote health, safety and active living for all age groups, particularly in areas of health inequality;
- Normally support proposals for new healthcare facilities where:
  - They will be located in an area of need and/or under-provision, they serve the needs of the local community and the accommodation to be provided is suitable for the needs of all its users, including carers and those with physical disabilities and other health impairments;
  - Adequate public transport is available from all parts of the catchment area and the facilities are well connected to footpath and cycle routes;
  - They will not adversely affect (or exacerbate existing adverse) traffic or environmental conditions or the amenities of residents in the area; and
  - They are co-located alongside other community facilities, including shops, schools, leisure facilities etc and/or provide an element of flexible accommodation that can be adapted and/or used to meet the wider needs of the community they serve.

51. The application site is identified in Figure 23 (Healthcare Facilities) as an area where GP Practices need to expand.

52. Whilst the proposed facilities are located outside the District Centre they are located immediately adjacent. Furthermore, Policy T1 identifies the site as a location for community facilities and specifically a health centre which is what is proposed as part of the development and would also ensure that the development mitigates against the impact on local health services as required by Policy DM24 of the Core Strategy whilst helping to reduce the under provision of healthcare facilities within Tolworth.

53. Policy T1 also states that the Council will work with the Metropolitan Police to secure the provision of a base for the Tolworth and Hook Rise police officers within or closer to its policing area, e.g. on or near to Tolworth Broadway. The application site is within an appropriate distance to Tolworth Broadway and will be able to accommodate this aspiration, as requested by the Metropolitan Police.

54. The principle of the proposed community facility, doctors surgery and nursery on the site is considered to be in accordance with the Council’s adopted Development Plan

*Retail and Café Use*
55. The development proposes an A3 Café use within a standalone building in the main square of the detailed Phase 1 and an A1 Retail use within the Outline Phase 6.

56. The NPPF states under Paragraph 26 that when assessing applications for retail development outside of a town centre, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over 2,500 sqm. The proposed retail element is of a convenience store size with the proposed café only 49 sqm. Both of these uses would fall below 2,500 sqm threshold, ensuring that a Retail Impact Assessment is not required.

57. Policy DM 20 (New Retail Development) states that the Council will:

- Consider applications for new retail development in designated centres favourably, in order to meet identified future needs and ensure accessibility by sustainable transport; and
- Support the co-location of retail and community facilities in appropriate locations (see Policy CS16); and
- Ensure that any applications for new retail development are of an appropriate scale and have been planned positively in order to minimise any negative impacts on:
  - climate change
  - pollution
  - transport accessibility
  - design and character
  - the amenity of surrounding residents
  - current regeneration projects
  - local employment

58. Ensure that any applications for new retail development where relevant, demonstrate the application of the sequential approach and provide an impact assessment as outlined in national guidance.

59. The application proposes a convenience style store that would perform a neighbourhood function selling a basic range of goods. The proposed café would be a stand alone facility of 49 sqm serving takeaway drinks, with limited indoor seating. Both of these facilities are considered important to service the new community that would be created by the development of this site, and indeed the wider community.

60. The principle of the retail development is therefore supported.

Impact on Character of Area

61. Paragraph 17 of the NPPF argues that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

62. Paragraph 56 of the NPPF states that the government believes that
good design is a key aspect of sustainable development and that it is indivisible from good planning as this should contribute positively to making places better for people. Paragraph 57 details the importance to plan positively for the achievement of high quality and inclusive design for all development, individual buildings and public and private spaces.

63. Paragraph 58 details that planning policies and decisions should aim to ensure that developments:
   • Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
   • Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
   • Optimise the potential of the site to accommodate development, are visually attractive as a result of good architecture and appropriate landscaping.

64. Paragraph 63 details how when determining applications, significant weight should be given to outstanding or innovative designs, whilst Paragraph 64 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

65. Paragraph 65 states that Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits).

66. LP Policy 7.4 (Local Character) states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

67. LP Policy 7.6 (Architecture) outlines that the architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. It also advises that buildings and structures should be of the highest architectural quality and comprise details and materials that complement, not necessarily replicate, the local architectural character.

68. LP Policy 7.7 (Tall Buildings) states that tall and large buildings should be part of a plan-led approach to changing or developing an
The policy continues that tall and large buildings should:

- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
- Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
- Have ground floor activities that provide a positive relationship to the surrounding streets;
- Contribute to improving the permeability of the site and wider area, where possible;
- Incorporate publicly accessible areas on the upper floors, where appropriate; and
- Make a significant contribution to local regeneration.

Tall buildings:

- Should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference; and
- Should not impact on local or strategic views adversely.

The policy concludes that the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings. The site would be visible from nearby Metropolitan Open Land, but otherwise would not have an impact on other designations listed.

There is no absolute definition of what constitutes a tall building with the definition is subjective, considered against the height relative to context and the proportion of the building. The Design Council ‘Guidance on Tall Buildings (July 2007) highlights that a tall building is not defined rigorously but is defined by a building that significantly
changes the skyline or is substantially taller than their neighbours. The proposal would change the skyline and would be substantially taller than some of its neighbours and therefore the buildings proposed would be considered to be tall buildings.

Density

72. LP Policy 3.3 (Increasing Housing Supply) states that the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. The Mayor will seek to ensure the housing need identified is met, particularly through provision consistent with at least an annual average of 42,000 net additional homes across London, which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.

73. The policy continues that boroughs should identify and seek to enable additional development capacity to be brought forward to supplement these targets having regard to the other policies of this Plan and in particular the potential to realise brownfield housing capacity through the spatial structure it provides including; intensification, town centre renewal, especially centres with good public transport accessibility and mixed use redevelopment, especially of surplus commercial capacity and surplus public land, and particularly that with good transport accessibility.

74. The policy also states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target in Table 3.1, if a target beyond 2025 is required, boroughs should roll forward and seek to exceed that in Table 3.1 until it is replaced by a revised London Plan target. Table 3.1 requires Kingston to deliver 6,434 dwellings within the plan period of 2015-2025, at a rate of 643 dwellings per year.

75. LP Policy 3.4 (Optimising Housing Potential) states that taking into account local context and character, design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

76. However, paragraph 3.28 of the supporting text for this policy states that a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.
77. CS Policy CS10 (Housing Delivery) provides clear guidance that the preferred locations for new housing at the greatest density within the Borough are Kingston Town Centre, the three District Centres (including Tolworth), areas with the highest PTAL and in areas in need of improvement or renewal. Figure 20 of the Core Strategy identifies an estimated capacity of 600 homes in and around Tolworth District Centre, citing the ‘Former Government Offices’ as a significant site within this location.

78. Further to the above, CS Policy T1 (Tolworth Key Area of Change) identifies this site as a ‘Housing Opportunity Area’. The site is therefore specifically identified as a site that is expected to contribute significantly to the delivery of housing across the Borough in accordance with London Plan targets.

79. Given the site is located within 800 metres walking distance of a district centre, next to a main arterial route and the height range of 2-4 storeys surrounding it, the development site is considered to be in an ‘Urban’ location. In applying the London Plan Density Matrix, given the site has a PTAL rating of 2/3, is in an ‘Urban’ location and has an average of 2.81 habitable rooms (hr) per unit, the appropriate density range for this site is between 70-170 units/ha and 200-450 habitable rooms per hectare.

80. The Mayor’s Housing SPG (March 2016) states in supporting paragraph 1.3.67 that the London Plan defines density in terms of net residential site area. This relates to the ‘red line’ planning application site boundary and excludes adjoining footways, carriageways, paths, rivers, canals, railway corridors and other existing open spaces. It includes the proposed homes, non-residential uses in mixed use buildings, ancillary uses, car and cycle parking areas and proposed internal access roads. It generally includes proposed on-site open spaces (including publicly accessible spaces), gardens and children’s play areas.

81. The development site is proposing 950 residential units and has a net residential site area of 4.1ha, resulting in a density of 231.7 units per hectare, a density of 61.7 units per hectare above that stated in the London Plan for this location.

82. It is noted that the vision for the South of Borough Neighbourhood seeks to retain the established outer suburban character of the Neighbourhood. This is a neighbourhood wide policy. However, policy SB1(f) states that the Council will work with developers to provide a range of new homes, including affordable homes and on the former Government Offices and Toby Jug site. It is considered that the more relevant and prescriptive policy is CS Policies T1 and CS10 which identify the site as a Housing Opportunity Area where significant contributions towards the delivery of housing should be sought which will in turn have a significantly different density to ensure compliance with current policy requirements to maximise densities especially in sustainable locations.
83. In addition, the supporting text for LP Policy 3.3 clearly states it is not appropriate to apply Table 3.2 mechanistically.

84. The Mayor of London’s Direction of Travel for Kingston (October 2016) also states that in order to ensure growth does not have a negative effect on the success of London as a city and on its existing communities it is imperative that growth is planned for and supported by the necessary infrastructure. The document also states that the Outer London Commission (OLC) growth option scenario indicates that Outer London has more potential than Inner London to accommodate London’s housing needs. This is due to the large number of centres and district centres. Importantly, the OLC has made recommendations in respect of maximising density and the role of new transport infrastructure, including Crossrail 2, in unlocking new development opportunities. It also recommends a review of the Green Belt land.

85. Whilst it is recognised that the density would be well above the prevailing character of the surrounding area and above the London Plan density matrix, it should be noted that the site is located adjacent to the six lane A3 road, the dual carriageway A240 (Kingston Road) and Tolworth station. These three transport barriers are the interface with three of the four sides of the development with only the narrowest end of the development adjoining existing residential properties, which is also the area where the lowest density is proposed. Given the unique characteristic of the location, the size of the development and with consideration to paragraph 65 of the NPPF, overall it is considered that the site could support increased densities without being detrimental to the character of the surrounding area as a whole, subject to other material considerations.

86. The Secretary of State in dismissing the Appeal stated in relation to the impact of the proposal on the appearance and character of the area, including the mix of housing provision that for the reasons given by the Inspector, “including noting that the Greater London Authority considers that the site is capable of accepting an even greater level of development given its sustainable location, the Secretary of State agrees with the Inspector that, despite its proximity to areas of suburban housing, the density proposed would be appropriate as the site is more readily characterised by its location and immediate surroundings as being of an urban character and capable of successfully accommodating the proposed housing density.”

87. The proposed density of the development is therefore considered to be appropriate for this site and therefore the application is in accordance with Policy DM10 of the Council’s adopted Core Strategy, London Plan Policy and Paragraph 65 of the NPPF.

Site Layout and Heights
88. Any residential layout on this site must address the constraints placed on it by the A3 Kingston Bypass and the railway line. The proposed layout shows how the proposed development will successfully address these constraints in visual terms however, the impact of the constraints on this layout in terms of quality of accommodation, acoustic issues and air pollution are considered in the sections below.

89. The immediate local area includes high rise buildings including the 23 storey Tolworth Tower, the proposed 12, 15 and 19 storey Tolworth Tower redevelopment on the opposite side of Tolworth roundabout and the midrise 8 storey Premier Inn and the 5 storey Lidl headquarters approved on the opposite side of the railway line.

90. The indicative heights and layouts proposed are considered to respond to the need to mitigate the impacts of the A3 and railway line on future residents whilst providing a development which will create its own sense of place. The indicative layout and overall variations in height are considered appropriate and in accordance with Policy DM10 of the Council's adopted Core Strategy 2012.

91. The proposed development would consist of 11 main buildings in 4 main typologies; Mansion Terrace (including the detailed phase 1), Mansion Block, Mansion Villa and Feature Buildings.

92. The design of these typologies has drawn inspiration from the late Victorian and Edwardian mansion blocks typical of west central London. Many of the finest examples being in Kensington and Chelsea (with further examples in Battersea, Putney and Barnes). While there are limited examples of this typology in Tolworth or immediate context, this building type is generally acknowledge as a successful example of building homes at medium-high density. In taking inspiration from these forms of buildings to deploy on contemporary buildings means the design team need to address issues which their historic precedents did not need to contend with; including space standards and provision of private and communal residential amenity for residents.

93. With regard to urban design and layout, mansion blocks typically have a height range of between 4-7 storeys and are laid out in perimeter blocks to form public streets and squares framed by front doors and active uses, with amenity and servicing space contained within the private areas to the rear of the block. Additionally, street and urban blocks are typically made up of a collection of buildings.

94. Traditionally buildings of this type are ornately detailed with contrasting bands of white or cream render and terracotta tile, as well as expressive modulation of facades typically with bay windows, expressed entrances and varied roofline with turrets, finials and gables.

95. The layout of the site has been submitted for determination, with a
detailed first phase and parameter plans indicating the location of the blocks and the heights of the buildings. Images which indicate how the proposed outline element of the development could look from numerous views have also been provided.

96. The buildings are proposed to be formed either side of a central spine route which would provide two vehicular access points onto Hook Rise South. The central spine route would provide a pedestrian link between the western and eastern parts of the site allowing for access throughout the development and on to which the communal entrances for the blocks and the front doors from the ground floor flats would be located. The spine would connect the 3 public amenity areas with semi-private communal areas located on podiums between the buildings and within podium courtyards.

97. The different building typologies have been arranged either side of the central street, with the Mansion Terraces between the street and the A3/Hook Rise and Mansion Blocks located between the new street and the railway line. Each of these typologies are developed to respond to the particular challenges of their location. The Mansion Terrace buildings have been proposed to be perpendicular to the A3 to avoid creating the effect of a continuous wall of development along the A3. The Mansion Villa at the western end of the site would provide a visual transition between the semi-detached properties on Hook Rise South and the taller buildings within the site. This would create a gradual stepping up in heights on the site from 2 storeys next to the semi-detached properties at the western end of the site to 8 and 10 storeys by the Hollywood Bowl at the eastern end of the site with a part 6, part 8 storey Feature Building between the Hollywood Bowl and Tolworth Roundabout.

98. The application proposes 8 and 10 storey Mansion Blocks on the south east edge of the site, to provide height next to the railway line on the other side of the central spine route. A 5 storey building is proposed at the western end of the site with two 8 storey and two 10 storey mansion blocks facing into the site. An 8 storey Feature Building is proposed at the eastern end of the central spine route, between a 10 storey block and the pedestrian link to the station.

99. The principle of the stepping up of height away from the semi-detached properties towards Tolworth roundabout and Tolworth Tower, is supported along with the principle of the perpendicular buildings to the A3 which avoid a wall of development.

100. Whilst there is no objection to the provision of height next to the railway line, the indicative mass of the outline 8 and 10 storey blocks present the communal space onto the railway line side, while also increasing the amount of height facing the central spine. A more open and appropriate form could be developed to address these issues. This could be dealt with in the reserved matters stage as only the outline around each pair of the combined mansion blocks has been applied for, thereby allowing for flexibility within the design.
Detailed Phase 1 and Mansion Terraces

101. The development site is considered to be a standalone site and one that could develop its own style and character within Tolworth, given its size and different scale compared to the surrounding area. The development site needs to have a clear and positive identity, and given its increased visual prominence, any proposed design needs to be of a suitably high quality.

102. The applicant has chosen to design the site using a mansion block typology, justifying this on the basis that this typology would help to address the housing need within Tolworth while providing a form of building that is in keeping with the existing housing types within the area in terms of building form and materiality. They have identified three mansion block styles to use across the site; Mansion Villa, Mansion Terrace and Mansion Block and have stating that it was historically used to integrate mid-rise apartment blocks into areas of London that required more housing while keeping the urban design principles of the area.

103. Whilst the mansion block style historically featured are often no more than 6 storeys in height, often with intricate brick and metal work detailing from top to bottom, full height bay windows, careful and interesting roof detailing and fenestration, the applicant has attempted to design a contemporary version of the mansion block.

104. Phase 1 and 4 of the proposed development would feature the ‘Mansion Terrace’ typology. This consists of two or three linear buildings separated by a row of two storey mews houses fronting the central spine route with a single storey podium on top of a ground floor car park whilst providing communal amenity space on top. The edge of the podium side facing the Hook Rise South and the A3 would be fronted by a landscaped area incorporating a gabion wall to screen the car park from the A3 and provide a green edge top to the site.

105. The detailed phase 1 would feature a 10 storey block on the south western end of the building, an 8 storey block in the middle and an 8 storey block to the north east, next to the Hollywood Bowl. The design of the blocks and the mews houses on block D phase 1 are expected to be replicated across blocks B and C in phase 4. Block B would feature a 5 storey block on the western end of the building with a 6 storey block to the east, with block C featuring a 6 storey block on the western end of the building, a 6 storey block in the middle and a 7 storey block to the east.

106. The application has designated these buildings as ‘Mansion Terraces’, described as “The Mansion Terrace are mid-rise of 6 to 10 storeys providing a transition between along the A3 road elevation, creating a strong serrated edge when viewed by passers by.”

107. The phase 1 detailed 10 and 8 storey buildings would be large red brick buildings with a lighter red brick inset brick with bronze coloured...
metal windows, doors, balconies and double height dormers. White concrete banding is provide between the roof and the brick work to provide a clear distinction between the two elements. The buildings would have horizontal brick banding between each floor level along with brick quoin detailing on each corner facing into the site across the full height of the buildings, helping to provide interest for the full height of the buildings. The light bronze coloured anodized aluminium dormers would contrast sharply with the dark bronze coloured anodized aluminium mansard roof, complementing the red brick and increasing the reflectivity of the roof and helping reduce the perceived weight.

108. The buildings would feature a slender concrete band encompassing the ground and first floor windows for both the residential and commercial uses to add both a crisp detail to the building and tie the ground two floors of the Mansion Terraces with the ground and first floors of the Mews houses in between. The buildings would feature a basket weave brick detail, a contextual reference to both the buildings on Tolworth Broadway and the history of brick production in the area, between the first floor windows and the ground floor door and windows within the concrete band.

109. The communal entrances and windows above are proposed to be framed by a large bronze coloured anodized aluminium band rather than a white concrete band to distinguish the entrances from the rest of the ground floor elements. In addition the entrance itself is proposed to be recessed within the building with bronze coloured metal panelling within the recess and a thick bronze coloured metal band to surround the ground floor entrance itself to clearly define the entrance and provide further detail. Although defining the entrances is welcomed, it is considered that this has not been achieved to the highest quality, therefore a condition requiring full detailed drawings at 1:20 or 1:50 of the entrance and the materials would be required for the detailed phase.

110. The two storey gable ends and mansard roof facing into the proposed Tolworth Square are heavy and overbearing with limited design rationale however, this would be facing internally into the site and would not be on its own, a reason for refusal.

111. The buildings would have clear and logical bay structures, ensuring the buildings are not over complicated but still of a high enough quality with simple crisp detailing to provide interest. The Mansion Terrace buildings within the outline phases are expected to follow the standard set out within the detailed phase, albeit some design and colour variations may take place.

112. The phase 1 Mansion Terraces are of an appropriately high architectural quality. To ensure the quality of the buildings is carried through, a condition would be required for full detailed drawings at 1:20 or 1:50 of all openings including windows, doors, communal entrances openings, the ground and first floor elevations and the materials of the detailed phase Mansion Terraces. The reserved
matters applications would deal with the design of the outline Mansion Terraces. A Design Code would be required to be submitted and approved prior to the commencement of the outline phase 2. This document would pick up the design requirements of these buildings and landscape elements, ensuring a high quality finish. It is also intended that the buildings and Design Code would be subject to scrutiny by a Design Review Panel to further ensure that high quality buildings are provided.

113. The Mews houses in between the main blocks would be formed of a light coloured brick to contrast with the main Mansion Terraces. The Mews houses would be of a modern London vernacular with a parapet roof. The buildings would feature a slender concrete band encompassing the ground and first floor windows to add both a crisp detail to the building and tie the Mews houses with the ground and first floors of the Mansion Terraces. The buildings would feature horizontal brick banding to separate the top of the parapet roof from the concrete band with a basket weave brick between the ground and first floor windows within the concrete band. The entrance between the concrete bands is recessed to clearly define the entrance and provide further detail.

114. The Phase 1 Mews houses are proposed to use a light grey brick with bronze coloured metal windows, doors and Juliette balconies and a white coloured concrete surround. The Mews houses within the outline phases are expected to follow the standard set out within the detailed phase, albeit some design and colour variations may take place.

115. The Mews houses are of a high architectural quality and add an interest to the Mansion Terraces, breaking up their forms. To ensure the quality of the building is carried through, a condition would be required for full detailed drawings at 1:20 or 1:50 of all openings including windows, doors, communal entrances openings, the ground and first floor elevations and the materials of the detailed phase Mews houses. The reserved matters applications would deal with the design of the outline Mews houses. A Design Code would be required to be submitted and approved prior to the commencement of the outline phase 2. This document would pick up the design requirements of these buildings, ensuring a high quality finish. The buildings, as part of a review of the whole of each respective phase, would also be subject to scrutiny by a Design Review Panel to further ensure that high quality buildings are provided.

Feature Buildings

116. Phase 5 and 6 of the proposed development would feature an 8 storey building at the east end of the site next to the station and a part 6, part 8 storey building between the Hollywood Bowl and Tolworth roundabout respectively. The application has designated these buildings as ‘Feature Buildings’, described as “Architecturally they are to be different from the rest of the buildings on the site as they create a landmark for the development. These two buildings rely
less on the local brick vernacular and are proposed to utilise a more lightweight and glazed appearance.”

117. Limited detail has been provided around how these buildings could look. It would be expected that these buildings be of an exemplary design, given their prominence at the entrance to the site and within Tolworth. The GLA has stated that the building (phase 6) next to Tolworth roundabout should be “a distinctive and exemplary building that acts as a landmark to the wider masterplan area”. This view is supported. A more ambitious architectural intent would be required for these buildings however, given that these buildings are in the outline phase of the development, the reserved matters application would deal with the design of these buildings. A Design Code would be required to be submitted and approved prior to the commencement of the outline phase 2. This document would pick up the design requirements of these buildings.

118. Given that the full detail of these buildings would be picked up in the respective reserved matters applications, with a design code ensuring a quality build, the principle of feature buildings is considered to be acceptable.

Mansion Blocks

119. Phase 2 and 3 of the proposed development would feature two pairs of buildings, a pair of 10 storey U shaped blocks with podium courtyards in the middle of each building and a podium communal area between the blocks and a pair of 8 storey U shaped blocks with podium courtyards in the middle of each building and a podium communal area between the blocks. These would form Phase 2 blocks F1 and F2 and Phase 3 blocks G1 and G2 respectively. The application has designated these buildings as ‘Mansion Blocks’, described as “The Mansion Blocks are the highest density typology of the mansion typologies, providing taller buildings along the railway line.”

120. The applicant has provided some indicative CGIs of the buildings. The CGIs demonstrate that the buildings would be materially similar to the Mansion Terraces, albeit with a greater mass and different form. The buildings would feature high levels of facade detail, a predominately brick finish, a double height mansard roof with double and single height dormer projections to add interest and a U shaped form to provide concealed car parking and podium amenity area.

121. Given that these buildings are in the outline phase of the development, the reserved matters application would deal with the design of these buildings. A Design Code would be required to be submitted and approved prior to the commencement of the outline phase 2. This document would pick up the design requirements of these buildings, ensuring a high quality finish.

122. Mansion Villas:
Phase 4 of the proposed development would feature a part 2 storey, part 4 storey building parallel to the A3 and a 4 storey building facing the western wing of block F1. The application has designated these buildings as ‘Mansion Villas’, described as “The Mansion Villas are lower rise than the other mansion block typologies, providing a transition between the adjacent semi-detached houses and the mid-rise apartment blocks.”

123. The Mansion Villas are proposed to be of a similar style to the Mansion Blocks and Mansion Terraces within the site with high levels of facade detail, a predominately brick finish, mansard style roof and roof projections to add interest.

124. The applicant has provided some indicative CGI’s of the buildings and whilst the CGI’s do not show buildings that are of an acceptable design, they do demonstrate that the buildings could be of a form that could provide a transition between the semi-detached properties and the main body of the development. Given that these buildings are in the outline phase of the development, the reserved matters application would deal with the design of these buildings. A Design Code would be required to be submitted and approved prior to the commencement of the outline phase 2.

Detailed Phase 1 – Café

125. The application proposes a pavilion style building at the entrance to the main square, adjacent to the proposed play area. The pavilion is proposed to hold a Class A3 café, with the size of the building indicating that the café would be for predominately takeaway drinks.

126. The café building is designed to be a modern and high quality single storey building.

127. The building would be a glass box with a concrete frame providing a back to the building which would continue along the floor next to the café, providing a clear and interesting entrance. A large timber structure in the style of a pergola with a turn to provide a sheltered area. The materials would be conditioned to ensure a high quality finish.

128. The overall finish of the building is of a high quality design that provides an interest and focal point to the main square and entrance to the site, improving the appearance of the main square and providing a sense of place.

Detailed Phase 1 – Bus Terminus

129. The proposed bus terminus would be located on Lansdowne Close. The terminus would consist of 41.5 metre long bus shelter and a small driver facility facing the station car park, with its back turned to the boundary wall between Drayton Court and Dean Court and Lansdowne Close. A line of 6 trees would provide a green buffer between the bus shelter and the driver facilities and the boundary
130. The bus stand would be of a modern design featuring centrally located brick pillars with a glass canopy extending over the pillars and the concrete seating in between the pillars. The stand would be a single structure, limiting street clutter and providing a cleaner design. The stand is designed to TfL standards and would have its materials conditioned.

131. The driver’s facilities would be a small rectangular single storey building containing a toilet facility. The building would be wood panelled with a glass band at the top to allow light to penetrate the facility. The facility would be of a modern style, design to TfL standards and would tie in with the modern style of the bus stand and nearby café building.

Design Review Panel

132. The scheme has undergone a Design Review by an independent panel of experts to provide a professional critique of the scheme. It is important to note that this review was undertaken at the pre-application stage and the comments are to be taken into account having regard to all other planning considerations.

133. The review was carried out by Design South East when the application was in the pre-application stage and although they have not commented on the current scheme, the proposal has not substantially changed. The Review Panel considered “In general, we support the architectural approach. Although sceptical about whether the mansion block does play the intermediate role suggested, we understand that this is a label to give these mid-rise blocks which is readily understood by anyone who knows a little about London. The idea of single-storey bottom, middle and single-storey top is a strong unifying theme through the development and could help it cope with subsequent phases potentially being designed by a different hand. In historic mansion blocks there is perhaps more variation between the three sections with bays coming out and back in, their tops sometimes becoming balconies. There was further work to be done on the patterning of materials on the elevations.”

134. “The site represents a significant gateway on the A3 approach to London, the serrated edge and stepping of the buildings seems an appropriate response to this but was little evidenced in the presentation. The mansards will be a strong feature for those viewing the development from the A3 and we are not totally convinced by what seems a pastiche of the historic precedent. We feel that the idea could have been developed and abstracted more.”

135. The panel went on to say the following regarding heights: “We understand and regret that the higher elements of the previous scheme have been reduced... The ability to include taller blocks would have allowed more flexibility and generosity in the rest of the development. In general, we would like to see more variation in the
Visual Impact

136. The development would be significantly greater in height than the immediate surrounding area, which features predominately 2 storey semi-detached houses and 3 storey blocks of flats. The 22 storey Tolworth Tower is, however, highly visible from the site. The images provided show the site from a number of nearby residential locations. Although the site would be of a greater scale than the surrounding properties and visible from neighbouring roads, the use of a red Tolworth brick and the stepping up in height from the semi-detached properties to the west towards Tolworth Tower in the east reduce the impact of the development and help it to integrate better into the streetscape. It is accepted that should the site be developed, the height and scale of the properties would be greater than those in the surrounding area.

137. In addition, paragraph 65 of the NPPF states that Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits).

138. The buildings would be highly visible from the Metropolitan Open Land (MOL) to the south and east. The height impacts of the development on the MOL is considered in detail in the MOL section below.

139. Although there are not any mansion blocks within the surrounding Tolworth area, given the size and scale of the site, it is considered that an alternative approach is acceptable on this site. Despite some architectural issues, the quality of the detailed phase 1 elements is considered to be acceptable, with the quality of the detail of the outline phases to be secured through a Design Code.

140. The proposed scale, mass and architectural style of the proposal is considered to be acceptable.

Quality of Accommodation

Internal Space Standards

141. The Housing Standards Minor Alterations to the London Plan (March 2016), sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures while policy guidance 28 of the Residential SPD and policy DM13 of the Core strategy state that in
order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design, as set out in Policies CS8 and DM10 and the Residential Design SPD, including the provision of appropriate amenity space and play space provision.

142. The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m² for single bedroom and 11.5 m² for a double bedroom. All new units should be designed in accordance with the National Space Standards and the London Plan.

143. The application is proposing 950 units, comprising 211 units in the detailed phase 1 and 739 units in the outline phases. The 211 units would comprise of 78 one bedroom units, 116 two bedroom units and 17 three bedroom units.

144. The units would be split into:

- 78 x 1 bedroom, 2 person;
- 48 x 2 bedroom, 3 person;
- 53 x 2 bedroom, 4 person;
- 8 x 2 bedroom, 4 person, 2 storey; and
- 24 x 3 bedroom, 5 person.

145. All 211 units would meet the minimum internal bedroom sizes as required by the London Plan and would also meet the minimum internal GIA standards of the National Space Standards below:

- 50 sqm for a 1 bedroom, 2 person;
- 61 sqm for a 2 bedroom, 3 person;
- 70 sqm for a 2 bedroom, 4 person;
- 79 sqm for a 2 bedroom, 4 person, 2 storey; and
- 86 sqm for a 3 bedroom, 5 person.

146. The applicant has not demonstrated that the outline elements of the development would meet the minimum space standards however, this issue would be dealt with in each reserved matters application.

Access and Cores

147. The Mayor’s Housing SPG (March 2016) states in Standard 12 that each core within a residential block should be accessible to generally no more than eight units on each floor.

148. Housing SPG Standard 13 states that an access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. Unless a 24 hour concierge is provided, additional security measures including audio-visual verification to the access control system should be provided where any of the following apply:
• More than 25 dwellings are served by one core; or
• The potential occupancy of the dwellings served by one core exceeds 100 bed spaces; or
• More than 8 dwellings are provided per floor.

149. Housing SPG Standard 14 states that where dwellings are accessed via an internal corridor, the corridor should receive natural light and adequate ventilation where possible.

150. Housing SPG Standard 15 states that all dwellings entered at the seventh floor (eighth storey) and above should be served by at least two lifts.

151. Housing SPG Standard 16 states that it is desirable that every wheelchair user dwelling is served by more than one lift.

152. Parts D2 and D3 would be 8 stories in height with part D1 10 stories in height. Whilst all 3 blocks would feature 2 lifts, Block D1 would feature 10 units per core for its entire height, with block D3 featuring 9 units per core for its entire height.

153. Although the guidance states that more than 8 units per core is generally unacceptable, the proposed cores within the detailed phases would feature 2 lifts in the middle of the corridor resulting in an acceptable walking distance between the furthest unit and the core. It would also ensure a maximum of 5 units sharing each corridor. The central location of the core within the corridors, along with the allowance for some natural light to penetrate the core area ensures that, in this example, the amount of units per core within phase 1 is considered to be acceptable.

154. A condition would be required to ensure that only phase 1 features more than 8 units per core.

Overheating

155. LP Policy 5.3 (Sustainable Design and Construction) states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

156. The policy continues that major development proposals should meet the minimum standards outlined in the Mayor’s supplementary planning guidance and this should be clearly demonstrated within a design and access statement. The standards include measures to achieve other policies in this Plan and the following sustainable design principles including:
Avoiding internal overheating and contributing to the urban heat island effect; and

Ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions

157. LP Policy 5.9 (Overheating and Cooling) states that the Mayor encourages the design of places and spaces to avoid overheating and excessive heat generation. Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

1) Minimise internal heat generation through energy efficient design;
2) Reduce the amount of heat entering a building in summer through;
3) orientation, shading, albedo, fenestration, insulation and green;
4) roofs and walls;
5) Manage the heat within the building through exposed internal
6) thermal mass and high ceilings;
7) Passive ventilation;
8) Mechanical ventilation; and finally
9) Active cooling systems (ensuring they are the lowest carbon options).

158. The policy continues that major development proposals should demonstrate how the design, materials, construction and operation of the development would minimise overheating and also meet its cooling needs. New development in London should also be designed to avoid the need for energy intensive air conditioning systems as much as possible.

159. The Mayor’s Sustainable Design & Construction SPG (April 2014) section 3.2 (Tackling Increased Temperature And Drought) states that overheating is one of the Mayors priorities and that developers should include measures, in the design of their schemes, in line with the cooling hierarchy set out in London Plan policy 5.9 to prevent overheating over the scheme’s lifetime.

160. Supporting paragraph 3.2.2 states that Section 2.3 sets out how larger developments can influence their local environment and contribute to the urban heat island effect. Overheating within buildings can result from either too much heat entering a building and not being released or too much heat being generated within a building and not being released. Just like being too cold, overheating can result in discomfort for occupiers, poor productivity and health concerns. Therefore, if the internal environment becomes too hot it is likely occupiers will try to find a way to cool their environment. In order to continue minimising carbon dioxide emissions it is important designers consider the internal comfort required by occupiers at the design stage and that this comfort level is met through implementing the cooling hierarchy set out in London Plan Policy.

161. Policy DM 10 (Design Requirements for New Developments) states
that development proposals should have regard to the amenities of occupants. In accordance with the GLA’s Energy Planning document (April 2015), an overheating modelling report was submitted with the application in their Energy Strategy. The CIBSE (The Chartered Institution of Building Services Engineers) TM59 standard tests the following two criteria:

- For living rooms, kitchens and bedrooms: the number of hours during which the temperature is greater than or equal to one degree above 26°C during the period May to September inclusive shall not be more than 3 percent of occupied hours. (CIBSE TM52 Criterion 1: Hours of exceedance).
- (b) For bedrooms only: to guarantee comfort during the sleeping hours the operative temperature in the bedroom from 10 pm to 7 am shall not exceed 26 °C for more than 1% of annual hours. (Note: 1% of the annual hours between 22:00 and 07:00 for bedrooms is 32 hours, so 33 or more hours above 26 °C will be recorded as a fail).

162. Occupied hours are calculated at 8 hours a day, 6am-9am and 5pm-10pm between May and September. A total of 153 days with 1,224 occupied hours.

163. The daily weighted exceedance, is calculated by multiplying the amount of degree hours (occupied hours) (6am-9am and 5pm-10pm) by the amount the hour exceeds the maximum acceptable temperature. For example if 7 degree hours registered a temperature of 29˚C in the living room in any one day between May and September, then the daily weighted exceedance would be breached. For a new unit to be considered acceptable in terms of overheating, both of the above parameters must be passed.

164. The overheating report has modelled five units, four flats and one townhouse. The units have been identified, in accordance with the TM59 methodology, as the dwellings with the highest risk of overheating due to the following characteristics:

a) southeast and southwest orientation;

b) single aspect;

c) topmost floors;

d) high ratio of southerly facing glazing; and

e) limited external shading opportunities.

165. Although, the townhouse has less risk of overheating than the flats, it has been selected to illustrate its performance due to its location, being on the ground floor, and therefore there is a limitation of opening the windows overnight for security reasons, and limited external shading to its southeast facade.

166. The applicants Overheating Consultant has stated that single aspect units are no more likely to overheat than dual aspect units as they generally have less glazing than double aspect units. This can be evidenced by the Overheating Assessment below where 1 out of the 4 worst case single aspect units failed the assessment by only 0.1%.
167. As demonstrated by the table below, 2 units fail to meet both of the parameters.

<table>
<thead>
<tr>
<th>Room</th>
<th>TM52 (DSY 2020s High 50)</th>
<th>Criteria 1 (a)</th>
<th>Criteria 2 (b)</th>
<th>Overall Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td></td>
<td>(%) Hours of Exceedance</td>
<td>% annual hours above 26°C</td>
<td></td>
</tr>
<tr>
<td>Dwelling 1 - 00 - Living/Kitchen</td>
<td>2.1</td>
<td>3</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Dwelling 1 - 01 - Double Bedroom 1</td>
<td>1.4</td>
<td>12</td>
<td>9</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling 1 - 01 - Double Bedroom 2</td>
<td>1.1</td>
<td>9</td>
<td>10</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling 2 - 06 - Living/Kitchen</td>
<td>2.6</td>
<td>16</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 2 - 06 - Double Bedroom</td>
<td>0.9</td>
<td>16</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 3 - 06 - Living/Kitchen</td>
<td>2.8</td>
<td>18</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 3 - 06 - Double Bedroom</td>
<td>1.0</td>
<td>18</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 3 - 06 - Single Bedroom</td>
<td>1.2</td>
<td>15</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Living/Kitchen</td>
<td>3.5</td>
<td>13</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Double Bedroom</td>
<td>1.2</td>
<td>13</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Single Bedroom</td>
<td>1.0</td>
<td>7</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 5 - 09 - Living/Kitchen</td>
<td>3.1</td>
<td>13</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 5 - 09 - Single Bedroom</td>
<td>2.4</td>
<td>17</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 5 - 09 - Double Bedroom 1</td>
<td>0.7</td>
<td>13</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dwelling 5 - 09 - Double Bedroom 2</td>
<td>1.1</td>
<td>21</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

t can be concluded that Dwellings 1, 2 and 3 are passing the TM59 overheating criteria. Dwellings 4 and 5 are exceeding the criteria by a small margin, 0.5% and 0.1% respectively.

169. The building design and building services design have maximised all available measures to minimise heat generation within the dwellings, to reduce the amount of heat entering the building, and to passively and mechanically ventilate the dwellings in line with the cooling hierarchy in Policy 5.9 of the London Plan.

170. The reasons these dwellings do not perform as well are the following: Dwelling 4 has a dual aspect southeast and southwest façade orientation and a lack of external shading to the living / kitchen glazed elements. Dwelling 5 has a single aspect southwest façade orientation located at the topmost floor within Block D1.

171. The level of overheating shown within the detailed phase 1 is considered to be minimal within the units most at risk of overheating. The overheating assessment demonstrates that the units within the detailed phase 1 would generally meet the standards set out in TM59, with the level of exceedance of the criteria that two of the units fail to meet considered to be minor.

172. To ensure that the occupants deal with heatwaves in an appropriate and safe manner, the applicants have stated that a heatwave mitigation strategy will be provided to all occupants to advise them on the correct ways to cope in extreme temperatures. This will also include guidance on what not to do, in particular with regards to the opening of fire doors.
173. The proposed development is considered to be acceptable in overheating terms.

Air Pollution

174. The Air Quality Assessment demonstrates that in terms of the impact of existing and new sources on the development itself, all residential dwellings within the proposed buildings adjacent to the A3 will experience nitrogen dioxide concentrations above the relevant standard at ground, first and second floor levels.

175. This can be resolved with mitigation measures in the form of mechanical ventilation. The ventilation system would draw clean air from an inlet located away from any nearby emissions sources, e.g. road traffic and boiler flues. Air drawn from above the third floor of the Proposed Development should be acceptable, as concentrations will be below the objective at these levels.

176. The Secretary of State in the recent Appeal decision stated that “the air quality assessment indicates that future residents’ exposure to particulate matter would be well below legislative limits, except for a possibility of some exceedance of nitrogen dioxide for residents facing the A3. He also agrees that appropriate and effective mitigation for this could be achieved through the imposition of conditions.”

177. Subject to a condition on mechanical ventilation, the air quality for the residential dwellings within the detailed phase 1 would be considered to be acceptable.

178. The air quality of the outline units adjacent to the A3 and also those adjacent to the industrial uses to the south east could be maintained to an acceptable level by installing similar mechanical ventilation as proposed in the detailed phase 1. This would be dealt with in each of the respective reserved matters applications.

179. The Environmental Health officers have considered the impacts of the poor air quality around the site to the residents using the outdoor locations. Locations are only considered where people are likely to spend 1 hour or more at an outdoor location. At these locations, the air quality should not exceed the hourly limit. The hourly average is predicted to be exceeded if the annual average is greater than 60 µg/m³ (the concentration of an air pollutant (eg. ozone) is given in micrograms (one-millionth of a gram) per cubic meter air or µg/m³).

180. Although the receptor locations that have been modelled in the assessment are the facades of buildings, these clearly show the drop off in concentrations with distance from the road. The public areas are set further back from the road and the predicted concentrations at ground floor locations on the north-east side of the development will be comparable to those in the public areas.
181. It is therefore considered that the exposure to poor air quality by future receptors would not lead to unacceptable levels of poor air quality for users within the areas of public realm where people are likely to spend 1 hour or more.

Sunlight and Daylight

182. LP Policy 3.5 (Quality and Design of Housing Developments) state that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London’s residential environment and attractiveness as a place to live.

183. The Mayor’s Housing SPG Standard 32 states that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

184. Housing SPG supporting paragraph 2.3.35 states that natural light is vital to a sense of wellbeing in the home, and this may be restricted in densely developed parts of the city. The Mayor seeks to encourage the kind of housing that provides comfortable and enjoyable places of retreat and privacy. Factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights, daylight and sunlight.

185. Housing SPG supporting paragraph 2.3.46 states that where direct sunlight cannot be achieved in line with Standard 32, developers should demonstrate how the daylight standards proposed within a scheme and individual units will achieve good amenity for residents. They should also demonstrate how the design has sought to optimise the amount of daylight and amenity available to residents, for example, through the design, colour and landscaping of surrounding buildings and spaces within a development.

186. Housing SPG supporting paragraph 2.3.47 states that BRE guidelines on assessing daylight and sunlight should be applied sensitively to higher density development in London, particularly in central and urban settings, recognising the London Plan’s strategic approach to optimise housing output (Policy 3.4) and the need to accommodate additional housing supply in locations with good accessibility suitable for higher density development (Policy 3.3). Quantitative standards on daylight and sunlight should not be applied rigidly, without carefully considering the location and context and standards experienced in broadly comparable housing typologies in London.

187. Housing SPG Standard 29 states that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
188. CS Policy DM10 states that development proposals should have regard to the amenities of occupants, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

189. CS Policy DM13 (Housing Quality and Mix) states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design, as set out in Policies CS8-DM11 and the Residential Design SPD.

190. The methodology and criteria used for the assessment of daylight & sunlight is provided by the Building Research Establishment’s guidance ‘Site layout planning for daylight and sunlight: a guide to good practice’ (BRE, 2011) and the British Standard document BS8206 Pt2. The BRE guide provides advice on site layout planning to achieve good sunlining and daylighting within buildings, and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations in the British Standard (BS) 8206 Part 2.

191. The BRE guidelines state that when assessing the potential effects on surrounding properties, only those windows and rooms that have a ‘reasonable expectation’ of daylight and sunlight need to be considered. Paragraph 2.2.2 of the guidelines clarifies what are considered sensitive receptors with a ‘reasonable expectation’ of daylight and sunlight as follows:

192. “The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. The guidelines may also be applied to any existing nondomestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.”

193. To assess daylight, an ADF (Average Daylight Factor) test is used to calculate the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors, under a sky of known luminance and luminance distribution. This is the most detailed of the daylight calculations and considers the physical nature of the rooms and windows, including; window transmittance, window size, room size, angle of external obstruction and room surface reflectivity. Some of the inputs can be accurately quantified (room size, angle of obstruction, window size), but some need to be based upon assumptions.

194. The guidance suggests that, for new dwellings provided with electric lighting, kitchens and combined K/L/D (kitchen/living/dining) should attain at least 2% ADF, living and dining rooms at least 1.5% ADF.
195. To assess Sunlight, an APSH (Actual Predicted Sunlight Hours) test is used to calculate the percentage of statistically probable hours of sunlight received by each window in both the summer and winter months. March 21st through to September 21st is considered to be the summer period while September 21st to March 21st is considered the winter period.

196. The BRE guidelines suggest that the main living rooms within new buildings should achieve at least 25% of annual sunlight hours, with 5% during the winter period. Bedrooms and kitchens are considered to be less important in this calculation as people tend to prefer sunlight in the morning rather than the afternoon. The BRE Guidelines states that it is guidance to help planners and developers and should be interpreted flexibly as natural lighting is one of many factors in design.

197. A full Daylight, Sunlight and Light Pollution Report and Addendum have been received for the detailed phase 1.

198. The scheme proposes no single aspect, north facing units. All of the 3 bedroom units are dual aspect.

199. The document demonstrates that of the 579 habitable rooms within the proposed detailed phase 1, 513 (89%) of the rooms would be considered to have acceptable levels of daylight. 23 K/L/D rooms, 13 living rooms and 30 bedrooms would fall below the minimum acceptable level of daylight. This would result in 166 (79%) of the total 211 units having an acceptable level of daylight.

200. The document demonstrates that of the 211 living rooms within the proposed detailed phase 1, 65 (31%) of the rooms would be considered to have acceptable levels of sunlight.

201. The total number of units that would have an acceptable level of both daylight and sunlight would be 29%

202. 20 units receive 80% (20 APSH Summer, 4 APSH Winter) of the guideline minimum sunlight standards. Even with this concession, only 85 (40%) of the units would have an acceptable level of sunlight.

203. BRE guidance accepts that balconies can block sunlight to a window and advises to demonstrate this, a study should be undertaken without balconies to assess the impact.

204. The applicant has also provided daylight and sunlight results with the balconies removed.

205. The study demonstrates that with balconies removed, 562 (97%) of the habitable room windows and 199 (94%) units would receive an acceptable level of daylight. 91 (43%) units would receive adequate sunlight and a total of 89 (42%) of the units across the phase 1
detailed element would receive acceptable daylight and sunlight.

206. The study demonstrates that whilst the balconies do have an impact on the sunlight and daylight afforded to the residential units, the orientation, scale and mass of the building and makeup of the units internally are still creating a significant sunlight issue. Although a useful exercise, the study of the units without balconies is considered to not be a significant material consideration as the units do have balconies restricting the light to the habitable rooms.

207. Given that it would not be possible to achieve a 100% south facing scheme and the proposed sunlight and daylight levels are, on balance, considered to be acceptable.

208. It is accepted that major developments containing flats are not able to achieve 100% sunlight levels as it would require all of the units to be south facing. BRE Guidance states that “for larger developments of flats, especially those with site constraints, it may not be possible to have every living room facing within 90° of due south”. Given that the daylight levels across the detailed phase 1 are considered to be acceptable and that the developer has worked to ensure that the scheme does not feature any single aspect north facing units and that all of the 3 bedroom units are dual aspect, the sunlight levels are considered to be acceptable.

Overlooking and Privacy

209. CS Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

210. Policy Guidance 16 of the Residential Design SPD advises that for all new residential development (including conversions and changes of use), the priority should be to provide and protect acceptable levels of amenity for both existing and future residents. On smaller sites the prevailing character of the area may dictate what separation distances will be, but in general a minimum separation distance of no less than 21 metres shall normally be maintained between facing windows of habitable rooms and a separation distance of 7.5 metres shall be maintained between new habitable room windows and the boundary to neighbouring properties or 15 metres between new habitable room windows and the flank wall of a neighbouring property. Where the site topology, landscape features or adequate screening is in place it may be appropriate to relax these distances. In all cases, developers should demonstrate, through a design and access statement, how adequate visual and acoustic privacy will be achieved in accordance with the Mayor's Housing SPG.

211. Standard 28 of the Mayor’s Housing SPG (March 2016) states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces 1.
212. Supporting paragraph 2.3.36 states that design and access statements should demonstrate how the design as a whole uses a variety of measures to provide adequate visual and acoustic privacy for every home in a development. Designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density. It will often be beneficial to provide a set-back or buffer where habitable rooms directly face a public thoroughfare, street, lane or access deck. Privacy is also an important consideration in the design of private open space.

Block D (Detailed)

213. The proposed separation distances between the habitable room windows of the mews houses, block D1, block D2 and the outline block G2 would be 39 metres and considered to be an acceptable separation distance.

214. The proposed separation distances between the habitable room windows of blocks D1 and the outline C3 and between blocks D1, D2 and D3 would be 18 metres, with the separation distance between Block D1 and the outline block G1 between 16 metres and 18 metres, dependant on balcony placements.

215. This would be between 5 metres and 3 metres below the minimum separation distance set out within the Residential Design Guidance.

Outline Phases

216. The following analysis for the outline phases is based on the submitted indicative layout and design and would be subject to approval under each respective Reserved Matters Application.

Block G (Outline – Phase 2)

217. The proposed separation distances between the habitable room windows of blocks F2 and G1, G1 and G2 and the internal courtyards of G1 and G2 would be 18 metres. The separation distance between block D1 and block G1 would be between 16 metres and 18 metres and between block C3 and G1 between 15 metres and 17 metres, dependant on balcony placements.

218. This would be between 3 and 6 metres below the minimum separation distance set out within the Residential Design Guidance.
219. The proposed separation distances between the habitable room windows of block H and block G2 from the first floor and above would be 12 metres.

220. This would be 3 metres below the minimum separation distance between habitable room windows and flank walls and 9 metres below the minimum separation distances between habitable room windows, as set out within the Residential Design Guidance.

Block F (Outline – Phase 3)

221. The proposed separation distances between the habitable room windows of the block F2 and block C2 would be between 24 metres and 27 metres. This is considered to be an acceptable distance.

222. The proposed separation distances between the habitable room windows of blocks F2 and G1, F1 and F2 and the internal court yards of F1 and F2 would be 18 metres. The separation distance between block F2 and block C1 along with between block F1 and both B1 and B2 would be between 14.5 metres and 16.5 metres, dependant on balcony placements.

223. This would be between 3 metres and 6.5 metres below the minimum separation distance between habitable room windows and 0.5 metres below the minimum separation distance between habitable room windows and flank walls, as set out within the Residential Design Guidance.

224. The proposed separation distances between the habitable room windows of the block F1 and block A2 would be between 18 metres and 20 metres, dependant on balcony placements.

Block C (Outline – Phase 4)

225. This would be between 1 and 3 metres below the minimum separation distance between habitable room windows set out within the Residential Design Guidance.

226. The proposed separation distances between the habitable room windows of the mews houses and block C2 and block F2 would be between 24 metres and 27 metres. This is considered to be an acceptable distance.

227. The proposed separation distances between the habitable room windows of blocks D1 and C3, C1 and B2 along with between the blocks C1, C2 and C3 would be 18 metres, with the separation distance between block C3 and G1 between 15 metres and 17 metres and between block F2 and block C1 would be between 14.5 metres and 16.5 metres, dependant on balcony placements.

228. This would be between 3 metres and 6.5 metres below the minimum separation distance set out within the Residential Design Guidance.
Block B (Outline – Phase 4)

229. The proposed separation distances between the habitable room windows of blocks B1, B2 and between C1 and B2 would be 18 metres, with the separation distance between block F1 and block B1, block B2 and the mews houses would be between 14.5 metres and 16.5 metres, dependant on balcony placements.

230. This would be between 3 metres and 6.5 metres below the minimum acceptable separation distance set out within the Residential Design Guidance.

231. The proposed separation distances between the habitable room windows of block B1 and block A1 would be 15 metres.

232. This would be 6 metres below the minimum separation distance between habitable room windows set out within the Residential Design Guidance.

Blocks A1 and A2 (Outline – Phase 4)

233. The proposed separation distances between the habitable room windows of block A1 and No. 87 Hook Rise South would between 8 metres and 10 metres.

234. This would be between 5 metres and 7 metres below the minimum acceptable separation distance between habitable room windows and flank walls and between 11 metres and 13 metres below the minimum separation distance between habitable room windows set out within the Residential Design Guidance.

235. The proposed separation distances between the habitable room windows of blocks A1 and A2 and between blocks A1 and B1 would be 15 metres, with the separation distance between the habitable room windows of block F1 and block A2 would be between 18 metres and 20 metres, dependant on balcony placements.

236. This would be between 1 metres and 6 metres below the minimum separation distance set out within the Residential Design Guidance.

Block H (Outline – Phase 5)

237. The proposed indicative floor plan layout suggests a unit at first floor level would be directly facing the railway embankment and Tolworth station, providing a separation distance of 2 metres to the site boundary, 11 metres to the embankment and 16 metres to the station. However, it is considered that the internal layouts of blocks could be re-configured in the reserved matters phase to ensure that this would not be a problem.

238. The proposed separation distances between the habitable room
windows of the block H and block G2 from the first floor and above would be 12 metres.

239. This would be 3 metres below the acceptable separation distance between habitable room windows and flank walls and 9 metres below the minimum acceptable separation distance between habitable room windows set out within the Residential Design Guidance.

Block E (Outline – Phase 6)

240. The proposed separation distances between the habitable room windows of the two separate elements of block E from the first floor and above would be between 10 metres and 27 metres. Given the proposed layout of this building and indicative mass, it is considered that this could be suitably dealt with during the reserved matters phase.

241. The proposed indicative floor plan layout suggests a unit at each floor in both main elements of block E directly facing the Hollywood Bowl, providing no separation distance however, it is considered that the internal layouts of blocks could be re-configured in the reserved matters phase to ensure that this would not be an issue.

242. The proposed separation distances are considered to be acceptable, subject to alterations and detail at the reserved matters stage with regard to block E.

Conclusion

243. Many of the separation distances between windows within the site are below the minimum standards set out within the Residential Design SPD and would range from between 16 metres and 18 metres in the detailed phase and between 11.5 and 18 metres in the outline phases.

244. However, taking in to account that the site would need to deliver an appropriately dense scheme in accordance with the London Plan density matrix, the long and narrow shape of the site, that the majority of the site achieves an 18 metre separation distance and that any issues of directly facing habitable room windows could be addressed in each reserved matters stage, the internal site separation distances are considered to be acceptable.

Private and Communal Amenity Space

245. LP Policy 3.5 (Quality and Design of Housing Developments) states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.
246. The policy states that development proposals which compromise the delivery of elements of this policy, may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan.

247. The Mayor’s Housing SPG (March 2016) states in paragraph 2.3.32 that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA. Enclosing balconies as glazed, ventilated winter gardens can be considered an acceptable alternative to open balconies and is recommended for all dwellings exposed to NEC noise category C or D141. Winter gardens must have a drained floor and must be thermally separated from the interior.

248. The paragraph then clearly states that the provision for outdoor gardens should be set in the context of local standards.

249. Housing SPG Standard 27 states that the minimum depth and width for all balconies and other private external spaces should be 1500mm.

250. Policy Guidance 13 of the Residential Design SPD states that a minimum of 10 sq m of private outdoor space should be provided for a new flat and an extra 1 sq m should be provided for each additional occupant. In addition, 50 sq m of communal amenity space should be provided with any private amenity space that can’t be provided added to the communal amenity space.

251. Each phase will need to be able to provide an acceptable level of amenity space within its own phase.

Detailed Phase 1

252. The detailed phase 1 is required to provide a minimum of 2,563 sq m of usable private amenity space and a minimum of 150 sq m of communal amenity space for phase 1 of the development making a total of 2,713 sq m.

253. The applicant states that the proposed detailed phase 1 would provide 1,755 sq m of private amenity space, 2,806 sq m of public amenity (Tolworth Square), 33 sq m of internal private amenity space and 631 sq m of communal amenity space. The public amenity area, although publicly accessible, is considered to provide space that could be used as communal amenity space in this location. The applicant therefore states that the total amenity provision in the detailed phase 1 would be 5,225 sq m.

254. The applicant has included 33 sq m of ‘private internal amenity space’. This is described by the applicant as the additional space on
a unit where it exceeds the minimum space requirements of the National Space Standards. The Housing SPG allows for developments to provide this however, it must be in the form of a winter garden or an enclosed balcony. The applicant has not provided that within the detailed element and it is considered to be unacceptable to count GIA over the minimum standards as private amenity space. The 33sqm is therefore discounted off the total amenity space provided in the detailed phase 1.

255. Two ground floor units feature amenity areas of 1.1 metres in depth, 0.4 metres less than the minimum requirements of the Housing SPG. However, the length of these areas is in excess of 9 metres and there is a significant provision of communal amenity space within the first phase.

256. Further to this, BS8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings) states at 7.7.3.2 (Design Criteria for External Noise) that the noise level when measured within private amenity space should not have a decibel level above 55db. If it does, additional communal amenity space should be provided to compensate for this.

257. 1,359 sq m of the private amenity space has a noise level above 55db. This leaves 396sqm of useable private amenity space. The total useable private and communal amenity space provided in the detailed phase 1 would therefore be 3,833 sq m.

258. The total amenity space for the detailed phase 1 is therefore in excess of the minimum requirements for useable amenity and considered to provide a good level of private and communal amenity space.

259. However, some balconies are proposed on the lower floors close to the A3. While these are not on the façade of the development fronting the A3, they are sufficiently close to cause concern, particularly as the receptor is the location at which the highest concentration of annual average nitrogen dioxide concentrations is predicted. It has not been confirmed by the applicant whether these balconies would be below the hourly air quality objective for nitrogen dioxide. If this is the case, they would need to be removed from the scheme. This could be dealt with by way of a condition, given that the same balconies are affected by noise levels exceedances and that the amenity provision for phase 1 is in excess of the minimum amenity requirements.

Outline Phases and Overall Site

260. The site as a whole, including both the detailed phase 1 and the outline phases 2-6 would be required to provide a minimum of 11,597 sq m of usable private amenity space and minimum of 800 sq m of communal amenity space. A total of 12,397 sq m.
261. The applicant states that the proposed development would provide 4,302 sq m of private amenity space, 3,999 sq m of public amenity (Tolworth Square, Mansion Place and Villa Gardens), 3,492 sq m of internal private amenity space and 3,042 sq m of communal amenity space. The public amenity area, although publicly accessible is considered to provide space that could be used as communal amenity space in this location. Although the Mansion Place is currently shown in the indicative outline landscaping plan as hard standing and defensible planting, this area could be communal amenity space. The applicant therefore states that the total amenity provision for the site would be 14,835 sq m.

262. The applicant has included 3,492 sq m of internal floorspace as ‘private internal amenity space’. This is described by the applicant as the additional space on a unit where it exceeds the minimum space requirements of the National Space Standards and also screened amenity areas. The Housing SPG allows for developments to provide this however, it must be in the form of a winter garden or an enclosed balcony. The Addendum Submission v3 (May 2017) states that some units are described as ‘Private Amenity to have either glass screening or to be internal amenity space’. These screened units total 400 sq m. It is therefore considered that 3,092 sq m of the ‘private internal amenity space’ is GIA over the minimum National Space Standards. It is considered to be unacceptable to count GIA over the minimum standards as private amenity space. The 3,092 sqm is therefore discounted off the total amenity space provided on the site.

263. Further to this, as stated above, standard BS8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings) states at 7.7.3.2 (Design Criteria for External Noise) states that the noise level when measured at private amenity should not have a decibel level above 55db. If it does, additional communal amenity space should be provided to compensate for this.

264. 2,063 sq m of the private amenity space has a noise level above 55db. This leaves 2,239 sq m of useable private amenity space. The total useable private and communal amenity space provided across the proposed development would therefore be 9,280 sq m.

265. The total useable amenity space for the proposed development is therefore 3,117 sq m below the minimum requirements for useable amenity space. However, it is considered the site could accommodate the 12,397 sq m of amenity space required for the 950 units. The applicant has agreed to a condition ensuring that each phase has a policy compliant level of useable communal and private amenity space.

Playspace

266. LP Policy 3.5 (Quality and Design of Housing Developments) states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local
character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.

267. LP Policy 3.6 (Children and Young People’s Play and Informal Recreation Facilities) states that the Mayor and appropriate organisations should ensure that all children and young people have safe access to good quality, well designed, secure and stimulating play and informal recreation provision, incorporating trees and greenery wherever possible. Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

268. The policy continues that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor’s Supplementary Planning Guidance Providing for Children and Young People’s Play and Informal Recreation sets out guidance to assist in this process.

269. CS policy DM 13 (Housing Quality and Mix) states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design, as set out in Policies CS8-DM11 and the Residential Design SPD, including the provision of appropriate amenity space and play space provision.

270. The Shaping Neighbourhoods: Play and Informal Recreation SPD (September 2012) sets out guidance, including the level of play space that should be provided for a development.

271. The calculation guide set out within the Shaping Neighbourhoods: Play and Informal Recreation SPD (September 2012) calculates that this development providing a total of 950 units split between 376 one bed, 358 two bed and 197 three bed flats and 19 two bed houses would be expected to accommodate 107 children (61 xu5's yr olds, 31 x5-11 yr olds and 15 x12+ yr olds) thereby providing 1070.3 sq m of children’s play space, of which 100 sq m must be doorstep play and 300 sq m playable space.

272. The detailed phase 1 for 211 units split between 78 one bed, 101 two bed and 24 3 bed flats and 8 two bed houses would be expected to accommodate 20 children (12xu5’s yr olds, 5x5-11 yr olds and 3x12+ yr olds) thereby providing 199.9 sq m of children's play space, of which 100 sq m must be doorstep play and the remaining 99.9 sq m playable space.

273. Doorstep play is defined as a landscaped space including engaging play features for young children under 5 that are close to their homes, and places for carers to sit and talk.
274. Playable space is defined as a landscaped space with landscaping and equipment so that children aged 0 to 11 can play and be physically active and they and their carers can sit and talk.

275. Each phase will need to be able to provide an acceptable level of children play space within its own phase.

276. The applicant has carried out an open space assessment of the local context which identified that the proposed development is within the catchment and walking distance (800m) of a number of open spaces making provision for youth space, neighbourhood playable space and local playable space. This results in a requirement for on-site provision only being required for 0-5 year old children and 5-11 year old children. Given the close proximity of the site, both in outline and detailed phases, to Tolworth Goals, King Georges Fields and Tolworth Court Farm, in accordance with table 4.5 of the Mayor’s Shaping Neighbourhoods Play and Informal Recreation SPG, the provision of play for children aged 12+ may be provided offsite.

277. The detailed element of the application proposes to provide:

- 108 sq m of formal play area in the main square;
- 80 sq m of informal play area split between each of the two podiums; and
- 1,098 sq m of informal playable landscape within 5 areas of the main square and both podiums.

278. This would provide a total of 1,286 sq m of playable space.

279. The informal playable landscape is laid out as simple grassed areas with benches to allow for space where children can be physically active. The formal and informal play areas would be conditioned to ensure suitable play equipment and playable landscape is provided. The proposed play areas for the detailed phase 1 are of a sufficient total size and therefore meet and exceed the requirements of the London Plan and the Shaping Neighbourhoods Play and Informal Recreation SPG.

280. Across the entire development, the application proposes to provide:

- 331 sq m of formal play area split between the main square, on the semi-communal podium between blocks F1 and F2 and between blocks A1 and A2;
- 327 sq m of informal play area split between each of the 9 courtyard style podium areas and between blocks A1 and A2; and
- 1818 sq m of informal playable landscape split between each of the 9 courtyard style podium areas, the main square, between blocks A1 and A2, on the semi-communal podiums between blocks G1 and G2 and also between blocks F1 and F2.

281. This would provide a total of 2418 sq m of playable space.
282. The indicative proposed play areas for the outline element of the proposed development demonstrates that an acceptable level of play area, both formal and informal could be provided on the site. Each reserved matters application would ensure that a suitable level of play equipment and playable landscape is provided for each phase. The development therefore meets and exceeds the requirements of the London Plan and the Shaping Neighbourhoods Play and Informal Recreation SPG.

Housing

Housing Mix

283. LP Policy 3.8 (Housing Choice) states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. It continues to say that to inform local application of Policy 3.3 on housing supply and taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these and that appropriate provision is made for the accommodation of service families and custom build, having regard to local need.

284. CS Policy DM13 (Housing Quality and Mix) states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to incorporate a mix of unit sizes and types and provide a minimum of 30% of dwellings as 3 or more bedroom units, unless it can be robustly demonstrated that this would be unsuitable or unviable. On sites particularly suited to larger family housing, this minimum figure should be exceeded.

285. The supporting text at paragraph 6.102 states that a high proportion of recent residential schemes have been in the form of 1 and 2 bed flatted developments, raising concerns about the availability of family housing. Furthermore, the Borough's Strategic Housing Market Assessment (SHMA), at the time of the publication of the Core Strategy in 2012, identified a significant requirement for family housing over the lifetime of the Core Strategy.

286. CS Policy CS10 states that the Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met. It continues that the Council will expect all new residential developments to positively contribute to the Borough's existing residential environment and character, in accordance with the Borough Character Study, while optimising housing output in line with London Plan density policies.
More recently, the Council has completed its Strategic Housing Market Assessment (SHMA), published in June 2016, together with three other Surrey authorities (Mole Valley, Epsom and Ewell and Elmbridge), which identifies a more pressing need for family housing. Table 6.14 of the SHMA identifies a need for 70% of new dwellings delivered to be 3+ bed units by 2035. A figure well in excess of the 2012 Core Strategy figure.

The proposed development has proposed 11.4% 3 bedroom units (24 of 211) in the detailed phase 1 and has agreed to a condition requiring a minimum of 30% 3 bedroom units (285 of 950) across the entire scheme.

It is therefore considered that the proposal would provide a satisfactory mix of residential units in accordance with Policy 3.8 of the London Plan (March 2016) and Policies CS10 and DM13 of the Local Development Framework Core Strategy Adopted April 2012.

Affordable Housing

LP Policy 3.11 (Affordable Housing Targets) states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing.

LP Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain residential development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular, locations;
- The specific circumstances of individual sites;
- Resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the Mayor; and
- The priority to be accorded to provision of affordable family housing.

The policy continues that, negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development
including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements.

293. The policy concludes that affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.

294. CS Policy DM15 (Affordable Housing) states that the delivery of affordable housing is a key priority and that the Council will seek to maximise its provision. To achieve this the Council will work with partners to:

- Seek to deliver at least 2,000 new affordable housing units over the period 2012/13 to 2026/27;
- Explore all opportunities to deliver new affordable units as part of new residential developments and encourage applications for 100% affordable schemes;
- Expect developments of 10 or more units to provide 50% affordable housing with proposals departing from these requirements expected to justify any lower provision through the submission of a financial appraisal;
- Within the affordable housing element of new developments seek to achieve a 70:30 tenure split between Social/Affordable Rent and Intermediate provision; and
- Expect the provision of affordable housing to be on-site. In the exceptional circumstances when it can be justified that this would not be viable or practical, and provision cannot be made on an alternative site, then the Council may accept a contribution or commuted sum towards either delivery on an alternative site or other affordable housing initiatives.

295. All Viability Assessments must be in accordance with the RBK Financial Viability in Planning SPD (November 2016).

296. The Mayor’s Homes for Londoners - Affordable Housing and Viability SPG (August 2017) states in paragraph 2.40 that The Mayor is keen to maintain this flexibility to meet local needs while ensuring the delivery of his preferred affordable products. The preferred tenure split is for schemes to deliver:

297. At least 30 per cent low cost rent (social rent or affordable rent). London Affordable Rent should be the default level of rent, and should be assumed by applicants in the absence of alternative guidance from LPAs on the rent levels that they consider to be genuinely affordable. An LPA may specify other levels of affordable
rent they consider genuinely affordable, and the Mayor will generally expect this to be significantly less than 80 per cent market rent. These homes are to be made available as general needs or supported housing and allocated in accordance with the statutory allocations framework and established nominations agreements;

- At least 30 per cent as intermediate products, with London Living Rent (see definition below) and/or shared ownership being the default tenures assumed in this category. For viability purposes, London Living Rent homes in mixed-tenure schemes can be treated similarly to shared ownership, as it can be assumed that they will be sold on a shared ownership basis after a period of ten years; and
- The remaining 40 per cent to be determined by the LPA taking account of the relevant Local Plan policy. Applicants should consider local policies and consult with LPAs to determine the relevant approach.

298. The SPG continues in paragraph 2.41 that if assessing a scheme under the Viability Tested Route, the evidence demonstrates that the threshold cannot be met, the preferred tenure split should be considered as the starting point for negotiations, but it will be for the LPA, and the Mayor where relevant, to decide if a different tenure mix could support a greater number of affordable homes.

299. The scheme does not propose 50% of the units to be affordable and therefore in accordance with Policy DM15 a financial viability assessment has been submitted with the application which has been independently assessed on behalf of the Council by a Financial Viability Assessor and Cost Consultant.

300. The applicant has offered 238 affordable units (25.05%) with the following split:

- 30% (71 units) London Living Rent;
- 20% (48 units) Shared Ownership; and
- 50% (119 units) Discount Market Sale.

301. This would be 100% intermediate units under the Mayor’s Homes for Londoners SPG however, the proposed London Living Rent units would have a similar rent level to the Local Housing Allowance Outer South London rent levels, making the London Living Rent an Affordable Rented tenure in this location. The 25% affordable housing tenure offer is therefore a 30%-70% Affordable Rent/Intermediate mix.

302. To achieve 25.05% affordable housing on the site, the applicant has agreed to a blended developer profit level of 10.97% on the scheme from the outset. This is significantly below the usual developer profit levels of 15-17.5%.

303. The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which
demonstrates that at the profit level of 10.97%, the scheme could not support more than 25.05% housing at the aforementioned mix.

304. When this pot is split into different affordable housing mixes, the following amount of units and tenure mixes are available:

- 70/30 Affordable Rent/Intermediate would result in 128/13.47% affordable housing units across the scheme split between 90 Affordable Rent units and 38 Shared Ownership units.
- 50/50 Affordable Rent/Intermediate would result in 135/14.21% affordable housing units across the scheme.

305. Given the need for affordable housing units and the vast difference in numbers deliverable on the scheme, officers considered that in this case, a 30/70 split to deliver 25.05% affordable housing is the appropriate tenure split.

306. Although the proposed level of affordable housing is below the 50% policy compliant level, the viability assessment has shown that the scheme cannot provide any more affordable housing, despite the drop in developer profit. However, should the application be approved, it would be subject to a review mechanism through the different phases of the development to capture any uplift in values which would allow for the provision of additional affordable housing to be provided. This is discussed in more detail in the Legal Agreements section below. The viability of the application is therefore in accordance with Policy DM15 of the Council’s adopted Core Strategy 2012.

Impact on Neighbouring Amenity

307. NPPF Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

308. CS Policy 7.6 outlines that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. It states that this is particularly important for tall buildings.

309. CS Policy DM10 of the LDF Core Strategy seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

310. Policy Guidance 16 (Separation Distances) of the Residential Design Guide states that a separation distance of no less than 21m shall normally be maintained between facing windows of habitable rooms, 7.5m between new habitable room windows and the boundary to neighbouring properties and 15m between new habitable room
windows and the flank wall of a neighbouring property.

311. Policy Guidance 16 (The 45 Degree Rule) states that the Council applies the ‘45 degree rule’ in assessing development proposals. New buildings or extensions to existing buildings should not encroach on a line drawn at an angle of 45 degrees from the midpoint of the closest window to a habitable room in a neighbouring property.

312. Policy Guidance 18 (Loss of Light to Existing Windows) states that new development should be designed so that new buildings or extensions to existing buildings stand a reasonable distance from the boundary of the property so not to block an unreasonable amount of light from any existing windows of neighbouring properties.

313. It continues on to state that proposed new buildings or extensions to existing buildings taller or closer than three or more times their height (measure from the centre of the existing window of a neighbouring property) should not encroach on the angle to the horizontal subtended by the new development to the centre of the lowest window should be more than 25 degrees.

314. The nearest neighbouring residential properties to the application site to be considered in any assessment of impact on residential amenity from the proposed development are; Nos. 2a to 86 Hook Rise North and Nos. 1 to 24 Royston Court to the north west on the opposite side of the A3, No. 87 Hook Rise South to the south west, and Nos. 1 to 7 Dean Court and Nos. 1 to 15 Drayton Court to the east.

315. The nearest residential properties to the detailed element of the proposal would be Drayton Court, approximately 25 metres to the east with the nearest Hook Rise North properties, Nos. 12 to 34, between 80 metres and 60 metres respectively to the north west.

316. The nearest residential properties to the outline phases of the development would be approximately 30 metres between block G2 and Drayton Court, approximately 43 metres between block H and Dean Court, between approximately 7 metres, increasing to 10 metres between block A2 and No. 87 Hook Rise South, approximately between 50 metres, increasing to 65 metres between blocks A1 and B1 and Royston Court and between approximately 50 metres and 70 metres between blocks B1, B2, C1, C2 and C3 from Nos. 66 and 36 Hook Rise South.

317. The nearest neighbouring properties to the application site to be considered in any assessment of impact on the amenity of existing businesses from the proposed development are; Day Group Ltd, London Concrete Ltd and London United Busways Ltd to the south, and the Hollywood Bowl to the east.

318. The applicant has submitted a Daylight and Sunlight Report in accordance with the BRE Guidelines to assess the impact of the development on surrounding properties. The submitted layout plan
and the parameter plan relating to height allow for an accurate assessment of the impact that both the detailed and outline elements of the proposal would have on neighbouring residential properties in terms of overshadowing, overlooking and impact on daylight/sunlight.

**Overshadowing and Overlooking**

319. Given the separation distances and heights of the buildings within the proposed development from the neighbouring properties, the proposed development would be considered to not cause any significantly detrimental overlooking or overshadowing impacts on the surrounding neighbouring residential properties.

**Daylight/Sunlight**

**Drayton Court**

320. The results of the Vertical Sky Component (VSC) Assessment (daylight assessment) have shown that 60 of the 66 rooms in Drayton Court facing the proposed development would have windows that retain levels of daylight in excess of the BRE targets. The 6 rooms, which have windows falling below the VSC criteria, are 2 windows on the ground floor and 4 on the first floor. All 6 windows are south east facing and are a kitchen or bedroom. The level of the loss of daylight is considered to be minimal with each window retaining more than 0.95 times their former values. BRE Guidance states that if the windows retain 0.8 times their former value, the loss of daylight will not be noticeable and the loss of light would be acceptable.

321. The BRE guidance suggests that sunlight is most important in main living rooms and that kitchens and bedrooms are less important. Furthermore, only windows which face within 90 degrees of due south are relevant for consideration as part of an Actual Predicted Sunlight Hours (APSH) Assessment (sunlight assessment). The south facing living room windows within Drayton Court, which face the proposed development, will retain good levels of sunlight in excess of the given criteria and meet BRE guidance.

322. Given the limited impact on the sunlight of Drayton Court, all windows would retain at least 0.8 times their former value and that the affected windows face south east, it is considered that the proposed development would not have a significant detrimental impact on the daylight or sunlight of Drayton Court.

**Dean Court**

323. The results of the VSC Assessment demonstrate that all windows in the property would retain levels of daylight in excess of the BRE criteria.

324. The results of the APSH Assessment demonstrate that all south facing windows that serve habitable rooms would retain their levels of
sunlight in excess of the BRE criteria.

325. It is therefore considered that the proposed development would not have a significant detrimental impact on the daylight or sunlight of Dean Court.

No. 87 Hook Rise South

326. No. 87 Hook Rise South is a semi-detached property situated directly to the south west of the proposed development and block A2. There is 1 side window facing the development in the building.

327. The results of the VSC Assessment demonstrate that the side window would retain levels of daylight in excess of the BRE criteria.

328. The side window faces to the north east and would not see a significant reduction in sunlight to this window, given the limited sunlight already afforded to it, given its orientation.

329. No south facing windows in the property would be affected by the proposed development.

330. It is therefore considered that the proposed development would not have a significant detrimental impact on the daylight or sunlight of No. 87 Hook Rise South.

331. Block A1 would be located approximately 6 metres from the side boundary with the rear garden of No. 87 Hook Rise South, projecting approximately 1 metre past the rear most part of the house. Block A2 would be located approximately 16 metres, increasing to 19 metres, away from the rear garden of No. 87.

332. Given the minor projection past the rear protrusion from Block A1, the separation distance between Block A1 and A2 and the rear garden and the location of Block A1 at the far end of the rear garden, to the side of the garden, it is considered that the proposed development would not have a significant detrimental overlooking, overshadowing or overbearing impact on the private amenity of No. 87.

Nos. 4-66 Hook Rise North

333. The properties on Hook Rise North are situated to the north-west of the site, on the opposite side of the A3. The front elevations of these properties face the proposed development.

334. The applicant has demonstrated that all but two, Nos. 36 and 38, of the Hook Rise North properties would meet the 25 degree BRE rule, that being a 25 degree line drawn from the lowest window of a property towards the development. The daylight to all of the properties which meet the 25 degree rule would be acceptable. The VSC Assessment has demonstrated that all of the windows and rooms within both Nos 36 and 38 would retain daylight levels in
excess of the BRE criteria.

335. The results of the APSH Assessment demonstrate that all south facing windows that serve habitable rooms would retain levels of sunlight in excess of the BRE criteria.

Plant Noise

336. Although there is generally a significant separation distance between the proposed development and the neighbouring residential properties, a condition requiring full details of any proposed plant or machinery to be submitted prior to the occupation of any phase of the development would be added to any permission. A condition could also require details of soundproofing to ensure that the noise from any plant would be at least 5dBA lower than the existing background noise level at any given time of operation.

337. The separation distance and use of a condition would ensure that any proposed plant within either the detailed or outline element of the development would not have a significant detrimental impact on the amenity of any of the neighbouring residential properties.

Noise from Proposed Commercial Uses

338. The proposed development includes retail and commercial units which will primarily be located in Block D (Phase 1), the main square (Phase 1), Block G (Phase 2), Block H (Phase 5) and Block E (Phase 6).

339. The detailed phase 1 will include; a nursery (Class D1), community facility (Class D1) and police welfare station within block D and a cafe (Class A3) in the main square, an ancillary site management office in phase 2; a cycle hub in phase 5; and a doctors’ surgery (Class D1) and a retail unit (Class A1) in phase 6.

340. A condition regarding the opening hours of the nursery, community facility, cafe, doctors’ surgery and retail unit and a condition requiring details of any plant required to be submitted prior to the occupation of any phase, including requiring any noise from the plant to be at least 5dBA lower than the existing background noise level at any given time of operation would be added to any permission.

341. Given the relative size of the units, the separation distances from the existing residential units and the conditions restricting hours of opening and noise from any plant, it is considered that the proposed commercial units would not have a significant impact on either the existing neighbouring residential properties or future residents within the development.

Noise from Increased Traffic

342. The proposed development would result in an increase in road traffic around the site.
343. To increase the noise level by 3 dBA, the minimum perceptible, the future traffic flow would have to be at least twice the existing traffic flow.

344. The predicted level of traffic noise generated by the development would be considered to be insignificant compared to the existing levels and would therefore be considered to have a negligible impact on existing noise sensitive properties.

**Impact on Existing Businesses**

345. NPPF Paragraph 123 recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

346. An objection has been received from the existing industrial businesses to the south of the proposed development, on the opposite side of the railway line embankment. The group of businesses consist of Day Group Ltd, with operations including a train unloading facility, aggregate storage and loading facility and bagging plant; London Concrete Ltd which operates a concrete batching plant; and London United Busways Ltd (LUB) which operates a 7 day a week bus depot with the bulk of bus movements in the period 19:00-07:00. The group have stated concern that their current operations may be disrupted by complaints from future residents about the noise from their operations.

347. The elements of the development that could be affected by the existing businesses are the rear of the buildings in the outline phases 2, 3 and 5 along with blocks A1 and A2 in phase 4. The applicant has assessed the impact of the noise of the existing businesses on these properties. The noise contours in the appendices of the Acoustic report demonstrate that there would be an impact from the existing businesses on the facades facing the railway line, with the arrival of a freight train resulting in a significant impact on Blocks A1, A2, F1 and F2.

348. The applicant has proposed a noise screen on each of the podiums facing the railway line embankment to reduce the impacts of the noise on the communal amenity areas to reduce the noise impacts. The applicant has also stated that the residential development will be designed to include measures to ensure that the internal noise levels of the residential units next to the businesses comply with the guideline values of BS 8233:2014 through measures including, where necessary, acoustic double glazing or secondary glazing and mechanical ventilation to enable windows to remain closed as a first available measure to control noise levels.

349. In considering the concerns of the operators of the Strategic Rail Freight Site, the Secretary of State agrees with the Inspector "that
the mitigation measures proposed would be sufficient to safeguard residential amenity and prevent any complaint that might prejudice continued commercial operations.”

350. The proposed measures are considered to be acceptable and would ensure that the proposed residential units that could be affected by the noise from these businesses would not have their internal noise levels significantly affected.

351. The applicant has demonstrated that the proposed development could be built with the internal noise levels of the residents unaffected by the noise of the existing neighbouring businesses to the south and thereby not having a significant impact on the operations of these uses. However, given that these units would all be within the outline phases with window and unit layouts not yet confirmed, the reserved matters applications for each of these phases would be required to ensure that the internal noise standards are not significantly affected and in line with the standards at the time of application. In addition, landscaping is a reserved matter, with regard to the outline phases, and the acoustic screens for the communal amenity areas would be ensured through each landscaping reserved matters application.

352. Given that the primary uses at the Hollywood Bowl take place internally, the proposed development would be considered to not be affected by this existing business and consequently, the proposed development would be considered to not affect the operations of the existing business.

353. It is therefore considered that the detailed element of the proposal would not have a significant detrimental effect on the amenity of surrounding residential properties in terms of outlook, light and overlooking or the operations of neighbouring existing business. The development is therefore in accordance with Policy DM10 of the Council’s adopted Core Strategy 2012.

354. It is also considered that the outline elements of the proposed development could be built in accordance with the submitted layouts without having a significant detrimental effect on the amenity of surrounding residential properties in terms of light, outlook and overlooking or the operations of neighbouring existing business. The development is therefore in accordance with Policy DM10 of the Council’s adopted Core Strategy 2012.

Highways & Parking

355. NPPF Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been
taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

356. NPPF Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

357. LP Policy 2.8 (Outer London Transport) states that more active traffic management, including demand management measures; road improvements to address local congestion; car parking policy and guidance which reflects greater dependence on the private car; closer co-ordination of transport policy and investment with neighbouring authorities beyond London; and greater recognition of the relationship between office development and car use is required.

358. LP Policy 6.3 (Assessing Effects of Development on Transport Capacity) of The London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. The policy continues on to state that where existing transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans exist for an increase in capacity to cater for this, boroughs should ensure that development proposals are phased until it is known these requirements can be met, otherwise they may be refused. The cumulative impacts of development on transport requirements must be taken into account.

359. Transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance for major planning applications. Workplace and/or residential travel plans should be provided for planning applications exceeding the thresholds in, and produced in accordance with, the relevant TfL guidance. Construction logistics plans and delivery and servicing plans should
be secured in line with the London Freight Plan and should be co-ordinated with travel plans.

360. LP Policy 6.13 (Parking) states that the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. In addition, developments must:

- Ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles;
- Provide parking for disabled people in line with Table 6.2;
- Meet the minimum cycle parking standards set out in Table 6.3; and
- Provide for the needs of businesses for delivery and servicing.

361. LP Table 6.2 (Car Parking Standards) states that maximum parking standards for employment B1 uses in an outer London location is 1 space per between 100-600 square metres of GIA.

362. The Mayor’s Accessible London SPG (2014) states that the London Plan requires 10% of all new homes to be wheelchair accessible or easily adaptable for occupation by a wheelchair user.

363. CS Policy T1 (Tolworth Key Area of Change) states that the Council will promote public transport improvements through lobbying and partnership work with transport providers (TfL, South West Trains and Network Rail) including the extension of the 281 bus service from the rear of Tolworth Tower across the A3 to serve Tolworth Station, housing and facilities south of the A3.

364. CS Policy CS5 (Reducing the Need to Travel) states that the Council will locate major trip generating development in accessible locations well served by public transport including Surbiton, New Malden, Tolworth and Kingston Town Centres. Sites that have poor levels of accessibility by sustainable modes will not usually be considered suitable for development that could generate high numbers of trips.

365. CS Policy CS7 (Managing Vehicle Use) states that car use should be managed to ensure sustainability, road safety and reduce congestion, including car club schemes and the provision of electric vehicle charging points and managing on and off-street parking provision to promote sustainability and residential amenity.

366. CS Policies DM08 and DM09 seek to ensure that new development has regard to local traffic conditions and does not contribute to congestion or compromise highway safety.

367. There are two highway authorities responsible for commenting on this application. Transport for London (TfL) are the Highway Authority for the A3, Kingston Road, Hook Rise South and the
Tolworth Roundabout and RBK Highways are responsible for all other roads within the vicinity of the application site, commented on by the RBK Neighbourhood Traffic Engineer.

368. The application site is currently served by two existing vehicular accesses, one via Lansdowne Close and another via Hook Rise South. The main residential areas at Tolworth are to the northwest of the site (north of the A3) and to the northeast of the site (east of Kingston Road).

369. As well as providing access to the application site, Lansdowne Close also provides access to Drayton Court Car Park (Dean Court has no allocated parking). Access to Lansdowne Close is gained via a left turn from the A240 Kingston Road northbound traffic stream. This also provides access to Toby Way via a short link road that runs parallel to Kingston Road adjacent to Dean Court.

370. Along the north western boundary of the site is Hook Rise South, a single carriageway two-way service road that runs immediately south of the A3 and provides access to housing, an industrial estate and King George’s Field. It is accessed via the A3 southbound slip road by way of a left turn only link. Hook Rise South connects with Kingston Road via Toby Way, which is a 7m wide two-way carriageway.

371. The A240 Kingston Road is a dual carriageway route that links to the A3 and Tolworth Broadway. The A3 is a three lane, major carriageway that provides access from Central London down to the south coast.

372. To the south east of the application site is Tolworth Station that provides a link between Chessington and Central London. Kingston Road is also a TfL designated London bus route.

373. Existing bus stops are located on Kingston Road adjacent to the site. These are served by bus numbers 406, 418 and K2 providing a typical frequency of 1 bus every 6 minutes. Additional services are available on the other side of the A3, namely route numbers 265, 281 and K1. The various bus routes provide access between Tolworth and Kingston, Twickenham, Surbiton, Epsom, Putney and New Malden.

**On Site Car Parking**

374. The site has a Public Transport Accessibility Level (PTAL) of 2 (Poor) and 3 (Moderate). The application is proposing 356 car parking spaces, split between 5 off street undercroft car parks providing 321 spaces and 35 off street car parking spaces within the development. 35 off street and 2 on street car parking spaces will be for blue badge holders, equating to 11.5% in compliance with the London Plan. This would be secured by way of a condition.

375. LP Table 6.2 (Car Parking Standards) states that the maximum
parking standards for a 1 or 2 bed unit is less than 1 per unit with up to 1.5 spaces per 3 bed unit.

376. The RBK Neighbourhood Traffic Engineer states that the preferred level of parking for a residential development of 950 units with standard Travel Planning elements and the existing public transport provision would be 647 spaces, unless a significantly robust set of Travel Planning measures are put in place.

377. The Neighbourhood Traffic Engineer worked this ratio out on the basis of the following table:

<table>
<thead>
<tr>
<th>Dwelling Size</th>
<th>No. Units</th>
<th>Parking Ratio Per Unit</th>
<th>Parking Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed Unit</td>
<td>376</td>
<td>0.5</td>
<td>188</td>
</tr>
<tr>
<td>2 Bed Unit</td>
<td>384</td>
<td>0.7</td>
<td>269</td>
</tr>
<tr>
<td>3 Bed Unit</td>
<td>190</td>
<td>1.0</td>
<td>190</td>
</tr>
</tbody>
</table>

378. The Transport Assessment (TA) has stated that a review of the 2011 car ownership census data for the wards of Tolworth/Hook Rise and Alexandra showed that the average household owned 1.21 and 1.37 vehicles respectively. The TA states that the car ownership levels extracted from the census data reflect the character of the housing in proximity of the site, which are typically semi-detached houses with off-street driveways or garages for parking.

379. The housing accommodation schedule for the development site comprises predominantly flats. The TA states that this unit typology typically exhibits a propensity to have lower car ownership levels. The TA has stated that a review of the 2011 car ownership census data for the whole of Kingston upon Thames, sorted by Privately Owned > 80% and Percentage Flats > 80%, suggest average household ownership levels of 0.75 vehicles per unit.

380. This would equate to 712 car parking spaces.

381. However, the lower provision of 0.37 spaces per dwelling has been discussed with the GLA and TfL, and has been considered appropriate by both of these organisations for the following reasons:
   - The target demographic for the development, amongst which car ownership levels are generally considerably lower than is typical across Kingston;
   - The mix of residential unit sizes proposed, which will comprise predominantly 1 and 2 bedroom dwellings;
   - The proximity of the site to Tolworth District Centre;
   - The proximity of the site to Tolworth railway station;
   - The proposed improvements to public transport, including the extension of the 281 bus service and introduction of a new bus interchange facility adjacent to the railway station;
   - The need to manage additional traffic on the road network immediately surrounding the site;
   - 8 car club bays, with 2 proposed in the first phase;
• A CPZ within the confines of the site;
• £60 on an oyster card to each new flat to incentivise and encourage sustainable travel;
• The comprehensive suite of hard and soft travel planning measures described above, which will discourage private car use and promote more sustainable travel by public transport, on foot and by bicycle; and
• A robust parking management strategy that will seek to manage on-site parking and monitor on-street parking demand in the areas surrounding the site.

382. The Sustainable Transport SPD indicates that 1 car club bay should be provided per 40 units, and the provision of 8 car club bays is set as a minimum, subject to uptake and as such officers considered that this could be considered to offset 240 spaces.

383. It is welcomed that the development is proposing a significant provision of car club bays, with 8 bays across the site. This is considered to be an appropriate mechanism for reducing the level of parking required. In addition, the provision of 3 years free membership for each unit is welcomed.

384. The London Plan states that in PTAL 2-4 a maximum of 1 car parking space per 35-50 sq m of retail floor space should be provided and in an outer London location a maximum of 1 car parking space per 100-600 sq m of employment floor space should be provided.

385. The scheme proposes approximately 300 sq m of retail floor space and approximately 765 sq m of employment floor space split between a café, community facility, doctor’s surgery, nursery and site management office. 9 on street car parking spaces within the site have been provided for the commercial elements of the scheme.

386. The RBK Neighbourhood Traffic Engineer has stated that the mitigation measures included within the Residential and Workplace travel plans, including the car club bays and improvements and extension of the route 281 bus service, make significant contributions to more sustainable modes of transport and as such the reduced level of parking provision can be accepted, subject to the Residential and Workplace Travel Plans being conditioned and delivered.

387. In addition, a clause has been inserted within the Section 106 agreement that should a CPZ in the local area ever be implemented, the residents within the scheme would not be able to apply for a permit.

388. Although it should be noted that the level of car parking for the Appeal scheme was for 705 units, instead of 950 units as now proposed, the Secretary of State “considered the suggested level of parking, and agrees with the Inspector that there is a delicate balance between ensuring sufficient provision and promoting modal
shift by not encouraging car use/ownership where more sustainable transport options exist. Thus, the Secretary of State also agrees with the Inspector’s conclusion that the proposed levels of parking provision would not be an unacceptable drawback of the scheme.”

389. The RBK Neighbourhood Traffic Engineer, TfL and the GLA have all stated that they do not have an objection to the level of residential or commercial car parking.

Electric Vehicle Car Parking

390. The London Plan requires 20% of all residential spaces to be available for use by electric vehicles (‘active’ provision) with a further 20% passive provision for electric vehicles to use in the future.

391. However, as discussed in greater detail in the air quality section below, the trips generated from the site would have a negative effect on the air quality of the immediate surrounding area. This has required the applicant, at the request of the GLA, to propose that 40% of all car parking spaces within each phase of the development be for electric cars only, thereby significantly reducing the amount of pollution generated from the site with a condition controlling this.

392. TfL and the GLA commissioned a study into the spatial distribution of Ultra Low Emission Vehicle (ULEV) uptake across London, whereby the study looked at two potential scenarios for uptake, a ‘baseline’ and ‘high Battery Electric Vehicle (BEV)’ scenario. In the baseline scenario, it is projected that the number of ULEVs registered in the Capital will surpass 20,000 in 2020 and will be approaching 100,000 in 2025. This means a 25-fold increase in ULEV cars in London in 10 years in the baseline scenario. In the high BEV scenario, the number of ULEVs registered in London is projected to reach nearly 50,000 in 2020 and more than 220,000 in 2025.

393. The Delivery Plan associated with the study sets out targets for ULEV uptake in each individual London borough, and for Kingston the target is to increase registered ULEVs in the borough by 2,832 (baseline growth) and 7,352 (high growth) between 2015 and 2025. In the borough, there are currently in the region of 200 electric vehicles registered.

394. RBK Neighbourhood Traffic Engineers have therefore stated that they consider that the allocation of 40% of the total parking provision solely for the use of electric vehicles is not warranted. The RBK Neighbourhood Traffic Engineers have stated that they consider that the current demand for electric vehicles will not allow the 40% of residential spaces to be fully utilised, unless they are made dual use bays and that it will in effect further restrain the level of on-site parking, potentially resulting in the displacement of cars into the surrounding residential roads.
395. The GLA has been clear in this instance that the electric vehicle only spaces cannot be dual use and to ensure that the air quality is not significantly adversely affected, this must be 40% of each phase, not a staggered approach across the build out of the development.

396. Despite the RBK Neighbourhood Traffic Engineers objection to the 40% electric vehicle only car parking, officers welcome the innovative solution to the air quality issue and consider that the proposal would set a remarkable standard in both the borough and London for sustainable development and in encouraging the uptake of environmentally friendly electric cars. This would be secured by way of a S106 agreement.

397. TfL and the GLA have welcomed the proposed allocation of 40% electric car only spaces in each phase of the development.

Trip Generation

398. The applicant has submitted a Transport Assessment (TA) and updated Highways Cumulative Impact note. The proposed trip generation has been run through a VISSIM model by TfL and takes account of all committed schemes in the nearby Tolworth area namely; the Tolworth Towers scheme, the Lidl Headquarters scheme and the Premier Inn scheme.

399. The TA states that based on the trips generated by 356 residential car parking spaces there would be 173 two way trips (34 arrivals, 139 departures) in the am peak (08:00-09:00) and 159 two way trips (104 arrivals, 55 departures) in the pm peak (17:00-18:00).

400. In addition the TA states that based on the trips generated by 9 commercial car parking spaces there would be a total of 37 daily trips resulting in 4 trips in the am peak (08:00-09:00) and 4 trips in the pm peak (17:00-18:00). The café and retail use are expected to generate 2 HGV trips a day however, these would be outside of the am and pm peaks.

401. The applicant has provided a number of mitigation measures in order to aid traffic flow in the immediate vicinity of the site and improve capacity within the surrounding network. These works are focused on Tolworth roundabout and include:
   - Changes to the road markings (white lining) on the junction approaches and on the roundabout gyratory to a ‘spiral marking arrangement’ in order to smooth traffic flows through the junction;
   - Improvements to the traffic signage on the approaches to the junction to ensure drivers use the most appropriate traffic lanes; and
   - Alterations to the signal timings to optimise performance by maximising capacity and ensuring the future flows across the junction are balanced.

402. TfL have modelled the impact of the proposed trip generation on the
local highway network which includes the aforementioned committed schemes, this is the 'Base model'. The proposed improvements to Tolworth roundabout have been included in Base + Meyer Homes

403. The VISSIM modelling has been used to model:

- Journey times for 6 bus routes in each direction through the modelled network;
- Average maximum queue lengths in seconds on junction approaches; and
- Journey times for 7 traffic routes through the modelled network.

404. The bus routes modelled are:

- Route 265 north and southbound;
- Route 281 north and southbound;
- Route 406 north and southbound;
- Route 418 north and southbound;
- Route K1 north and southbound; and
- Route K2 north and southbound.

405. The results of the TfL VISSIM modelling shows the below changes to the journey times of the buses in the am peak with the significant negative changes marked in red:

<table>
<thead>
<tr>
<th>No.</th>
<th>Bus Route</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>265 NB</td>
<td>7</td>
<td>220</td>
<td>7</td>
<td>212</td>
</tr>
<tr>
<td>2</td>
<td>265 SB</td>
<td>3</td>
<td>274</td>
<td>3</td>
<td>284</td>
</tr>
<tr>
<td>3</td>
<td>281 NB</td>
<td>8</td>
<td>217</td>
<td>8</td>
<td>220</td>
</tr>
<tr>
<td>4</td>
<td>281 SB</td>
<td>5</td>
<td>227</td>
<td>5</td>
<td>232</td>
</tr>
<tr>
<td>5</td>
<td>406 NB</td>
<td>2</td>
<td>687*</td>
<td>3</td>
<td>870*</td>
</tr>
<tr>
<td>6</td>
<td>406 SB</td>
<td>2</td>
<td>334</td>
<td>2</td>
<td>331</td>
</tr>
<tr>
<td>7</td>
<td>418 NB</td>
<td>3</td>
<td>636*</td>
<td>2</td>
<td>791*</td>
</tr>
<tr>
<td>8</td>
<td>418 SB</td>
<td>4</td>
<td>343</td>
<td>4</td>
<td>345</td>
</tr>
<tr>
<td>9</td>
<td>K1 NB</td>
<td>5</td>
<td>317</td>
<td>4</td>
<td>317</td>
</tr>
<tr>
<td>10</td>
<td>K1 SB</td>
<td>4</td>
<td>233</td>
<td>4</td>
<td>223</td>
</tr>
<tr>
<td>11</td>
<td>K2 NB</td>
<td>6</td>
<td>752*</td>
<td>6</td>
<td>802*</td>
</tr>
<tr>
<td>12</td>
<td>K2 SB</td>
<td>5</td>
<td>368</td>
<td>5</td>
<td>364</td>
</tr>
</tbody>
</table>

406. The results of the TfL VISSIM modelling showed the below changes to the journey times of the buses in the pm peak with the
significant negative changes marked in red:

<table>
<thead>
<tr>
<th>PM (16:45-17:45)</th>
<th>Base Model</th>
<th>Meyer Homes + Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Bus Route</td>
<td>Number of Vehicles</td>
</tr>
<tr>
<td>1</td>
<td>265 NB</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>265 SB</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>281 NB</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>281 SB</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>406 NB</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>406 SB</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>418 NB</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>418 SB</td>
<td>4</td>
</tr>
<tr>
<td>9</td>
<td>K1 NB</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>K1 SB</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>K2 NB</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>K2 SB</td>
<td>6</td>
</tr>
</tbody>
</table>

407. The results of the TfL VISSIM modelling of the queue lengths at the junctions in the am peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>No.</th>
<th>Junction</th>
<th>Approach</th>
<th>Movement</th>
<th>AM Ave Max Queue (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Base Model</td>
</tr>
<tr>
<td>1</td>
<td>Kingston Rd NB</td>
<td>Ahead</td>
<td></td>
<td>378</td>
</tr>
<tr>
<td></td>
<td>Kingston Rd SB</td>
<td>Right</td>
<td></td>
<td>111</td>
</tr>
<tr>
<td></td>
<td>Old Kingston Rd</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>90</td>
<td>72</td>
</tr>
<tr>
<td>4</td>
<td>Jubilee Way</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>93</td>
<td>78</td>
</tr>
<tr>
<td>5</td>
<td>Jubilee Way</td>
<td>Left</td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>6</td>
<td>Kingston Rd SB</td>
<td>Right</td>
<td></td>
<td>111</td>
</tr>
<tr>
<td>7</td>
<td>Tolworth Roundabout</td>
<td>Kingston Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>399</td>
</tr>
<tr>
<td>8</td>
<td>Tolworth Roundabout</td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>110</td>
</tr>
<tr>
<td>9</td>
<td>Tolworth Roundabout</td>
<td>Tolworth Broadway</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>154</td>
</tr>
<tr>
<td>10</td>
<td>Tolworth Roundabout</td>
<td>Tolworth Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>148</td>
</tr>
<tr>
<td>11</td>
<td>Tolworth Roundabout</td>
<td>Tolworth Broadway</td>
<td>Ahead &amp; Right</td>
<td>93</td>
</tr>
<tr>
<td>12</td>
<td>Tolworth Roundabout</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>43</td>
</tr>
<tr>
<td>13</td>
<td>Tolworth Roundabout</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead</td>
<td>95</td>
</tr>
<tr>
<td>14</td>
<td>Tolworth Roundabout</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>80</td>
</tr>
<tr>
<td>15</td>
<td>Tolworth Roundabout</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead</td>
<td>43</td>
</tr>
</tbody>
</table>
The results of the TfL VISSIM modelling of the queue lengths at the junctions in the pm peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>No.</th>
<th>Junction</th>
<th>Approach</th>
<th>Movement</th>
<th>PM Ave Max Queue (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Base Model</td>
</tr>
<tr>
<td>1</td>
<td>Kingston Rd NB</td>
<td>Ahead</td>
<td></td>
<td>89</td>
</tr>
<tr>
<td>2</td>
<td>Kingston Rd NB</td>
<td>Left</td>
<td></td>
<td>79</td>
</tr>
<tr>
<td>3</td>
<td>Jubilee Way</td>
<td>Left</td>
<td></td>
<td>1333</td>
</tr>
<tr>
<td>4</td>
<td>Jubilee Way</td>
<td>Ahead &amp; Right</td>
<td></td>
<td>1334</td>
</tr>
<tr>
<td>5</td>
<td>Kingston Rd SB</td>
<td>Right</td>
<td></td>
<td>98</td>
</tr>
<tr>
<td>6</td>
<td>Kingston Rd / Jubilee Way</td>
<td>Left &amp; Ahead</td>
<td></td>
<td>214</td>
</tr>
<tr>
<td>7</td>
<td>Old Kingston Rd</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>8</td>
<td>Tolworth Roundabout</td>
<td>Kingston Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>247</td>
</tr>
<tr>
<td>9</td>
<td>Tolworth Roundabout</td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>406</td>
</tr>
<tr>
<td>10</td>
<td>Tolworth Broadway</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>345</td>
</tr>
<tr>
<td>11</td>
<td>Tolworth Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>275</td>
</tr>
<tr>
<td>16</td>
<td>Tolworth Broadway / Ewell Rd</td>
<td>Tolworth Broadway</td>
<td>Ahead &amp; Right</td>
<td>73</td>
</tr>
<tr>
<td>17</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>18</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead</td>
<td></td>
<td>118</td>
</tr>
<tr>
<td>19</td>
<td>Ewell Rd / Elgar Ave / Princes Ave</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>69</td>
</tr>
<tr>
<td>20</td>
<td>Ewell Rd EB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>174</td>
</tr>
<tr>
<td>21</td>
<td>Elgar Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td>22</td>
<td>Princes Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>23</td>
<td>Hook Roundabout</td>
<td>Hook Rd SB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>271</td>
</tr>
<tr>
<td>24</td>
<td>Hook Roundabout</td>
<td>Hook Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>377</td>
</tr>
<tr>
<td>25</td>
<td>Hook Roundabout</td>
<td>Hook Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>105</td>
</tr>
<tr>
<td>26</td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td></td>
<td>124</td>
</tr>
<tr>
<td>27</td>
<td>Toby Way</td>
<td>Left</td>
<td></td>
<td>48</td>
</tr>
</tbody>
</table>
410. The results of the TfL VISSIM modelling of the journey times in the am peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>Routes</th>
<th>AM (07:00-08:00)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base</td>
</tr>
<tr>
<td>1</td>
<td>532.2</td>
</tr>
<tr>
<td>2</td>
<td>330.9</td>
</tr>
<tr>
<td>3</td>
<td>531.9</td>
</tr>
<tr>
<td>4</td>
<td>343.0</td>
</tr>
<tr>
<td>5</td>
<td>431.1</td>
</tr>
<tr>
<td>6</td>
<td>261.7</td>
</tr>
<tr>
<td>7</td>
<td>143.8</td>
</tr>
</tbody>
</table>

411. The results of the TfL VISSIM modelling of the journey times in the pm peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>Routes</th>
<th>PM (16:45-17:45)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base</td>
</tr>
<tr>
<td>1</td>
<td>325.2</td>
</tr>
<tr>
<td>2</td>
<td>535.1</td>
</tr>
<tr>
<td>3</td>
<td>438.8</td>
</tr>
<tr>
<td>4</td>
<td>485.7</td>
</tr>
<tr>
<td>5</td>
<td>269.2</td>
</tr>
<tr>
<td>6</td>
<td>468.4</td>
</tr>
</tbody>
</table>
412. The modelling results demonstrate that the trip generation of the proposed development, once all 6 phases are completed would result in moderate to significant impacts on the bus journey times, queue lengths and journey times in the immediate surrounding area. However, the development is proposed to be completed over 6 phases, with the estimated completion of the development not expected until the mid 2020s.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>175.2</td>
<td>209.9</td>
</tr>
<tr>
<td>8</td>
<td>766.8</td>
<td>805.6</td>
</tr>
<tr>
<td>9</td>
<td>805.7</td>
<td>842.7</td>
</tr>
</tbody>
</table>

413. TfL have stated that although the results of the VISSIM model indicate that the scheme would impact on the highway network in both peak periods, the Strategic Solution currently being developed would mitigate the cumulative impacts of both the committed developments and the Meyer Homes development whilst also improving pedestrian and cycle linkages to the town centre and station and providing additional capacity through Tolworth Roundabout.

414. TfL have stated that the Strategic Solution would mitigate the impacts of the development whilst providing additional capacity. At the request of TfL, the applicant has agreed to pay a contribution of £2.5 million towards the strategic highways solution. TfL has stated that should the applicant agree to contribute £2.5 million towards the Strategic Highways solution, the scheme would be considered acceptable.

415. In concluding on the effect on the local highway network with particular reference to the free flow of traffic, “the Secretary of State has carefully considered the Inspector’s discussion on the effect on the local highway network. While agreeing with the Inspector that the development of the appeal site would add traffic at the Tolworth Interchange junction of the A3 and A240, which is already subject to congestion at peak hours, the Secretary of State also agrees with the Inspector and the parties that, through mitigation measures secured through the Section 106 Unilateral Undertaking, the appeal scheme would have acceptable impacts in transport terms, possibly including marginal improvements to journey times for some bus services.”

416. It is therefore considered that considering the length of time required to build out the scheme, combined with the £2.5 million contribution to TfL towards the strategic solution, the proposed development would be acceptable in terms of trip generation, subject to S106 contributions and S278 highways works.

Hook Rise South Trip Generation

417. Given the proximity of the Tolworth roundabout and associated
access it provides to the strategic road network (A3 and A240), only a small proportion of car arrival and departure trips generated by the development are forecast to use Hook Rise South to the west of the site, with the vast majority accessing the A240 via Toby Way.

418. The Secretary of State concluded on the recent Appeal decision that “With regard to residents’ concern about the impact on conditions within Hook Rise South, the Secretary of State agrees with the Inspector’s conclusion that the mitigation measures proposed as part of the appeal scheme would be likely to improve rather than exacerbate current conditions.”

419. The impact of the development on traffic conditions on Hook Rise South to the west of the site will therefore be minimal, with 7 additional car trips generated during the AM peak hour (2 arrivals and 5 departures) and 5 additional car trips generated during the PM peak hour (3 arrivals and 2 departures).

420. The operation of Hook Rise South adjacent to the site is forecast to improve significantly once the proposed amendments described above are introduced.

421. The widening of the Hook Rise South carriageway to allow for uninterrupted two-way traffic movements by moving the on-street parking into lay-by arrangements will eliminate the existing congestion along this stretch of the road, which is caused by cars parked on the street blocking two-way flows and forcing vehicles to wait and give way to oncoming traffic.

422. The VISSIM traffic modelling demonstrates that there would be a modest increase in mean maximum queue length during the AM peak hour, from 48 metres to 63 metres, and a modest decrease in mean maximum queue length during the PM peak hour, from 61 metres to 53 metres. In both cases, the maximum queue length would not extend as far back as Hook Rise South.

423. In terms of vehicles being able to exit the development site onto Hook Rise South during the peak hours, the peak departure flows suggest 139 departures during the morning peak hour and 55 departures during the evening peak hour. Of these, approximately 50% would use the northern site access on Hook Rise South, and the remaining 50% would use the southern site access on Hook Rise South. In the morning peak hour, this would equate to approximately 70 cars using each access point to leave the site, or approximately 1 vehicle per minute. Based on the existing base traffic flows using Hook Rise South in the morning peak hour (approximately 150 vehicles per hour southbound and 170 vehicles per hour northbound), there would be ample opportunity for these vehicles to exit the site onto Hook Rise South without any significant queuing back into the site at either access point. During the evening peak hour, when the departure flows are much lower at approximately 55 vehicles, there would be even less risk of any queues forming back into the site at either access.
The VISSIM modelling work demonstrates that the additional traffic generated by the development would be accommodated on Toby Way during the peak hours without queuing back as far as Hook Rise South. Only a small proportion of this traffic would use Hook Rise South to the west of the site when accessing the development, which would have a negligible impact on existing conditions.

The proposed development would therefore be considered to not have a significant detrimental impact on the traffic flows of Hook Rise South.

Access and Off Site Car Parking

The site would be accessed by vehicles from two entrances on Hook Rise South between blocks B2 and C1 and between blocks C3 and D1. Service vehicles would also be able to access block G2 and H via the new Lansdowne Close-Toby Way link. Additional pedestrian and cycle accesses are proposed to be provided between blocks A1 and B1 and from Toby Way, Lansdowne close and Tolworth Station to Tolworth Square.

To accommodate the additional traffic and new entrance points, the development proposes the following measures:

- Widen Hook Rise South to accommodate formalised on-street parking.
- A new 3 metre wide shared footway/cycleway with additional landscaping and public realm on Hook Rise South.
- Traffic calming on Hook Rise South in the form of localised narrowing with priority markings.
- Link Lansdowne Close with Toby Way. The new section of road will need to be adopted by the borough, such that it can be maintained and operated as public highway and therefore it will need to be constructed to the appropriate highway standards.
- Convert Lansdowne Close to a one-way bus only section of road for extended 281 route. Residents of Drayton Court and Dean Court would still be able to use this route.
- Works to Toby Way including widening and formalised on-street bay parking.
- Modifications to improve the Hook Rise South slip road.
- The provision of 15 formal on-street car parking bays on Hook Rise South.

Whilst the proposed works are welcomed, the highway improvements section does not cover the proposed layout changes to the service road in front of Dean Court, for which RBK are the highway authority. This is a crucial element of the works and the agreement to the changes will mean progressing a Stopping Up order, which will be included in the legal agreement. This can be dealt with through a Section 278 agreement.

In addition there is currently room for approximately 20 informal on-street car parking spaces on Hook Rise South, the proposed bays will only provide 15, to be used as visitor parking spaces for the site. The loading bays on the link road and the new on-street car parking bays on Toby Way will require further design considerations. Both of
these issues can be dealt with by way of a condition to examine more and better located on-street parking spaces and delivery bays.

430. To assess the potential impacts of the proposed development on the on-street parking levels on Toby Way and Hook Rise South, the applicant undertook a parking survey along Toby Way and Hook Rise South between the A240 Kingston Road and Oakcroft Road on Thursday 20th July 2017 between the hours of 06:00-20:00 to examine on-street parking patterns. The survey captured parking demand on the hour for every hour during the survey period (i.e. 0600, 0700, 0800, etc.) in order to capture changing patterns in demand through the day on a typical week day. The survey was broken down into 3 sections of Hook Rise South as follows:

- Section 1 – Toby Way;
- Section 2 – Hook Rise South (Toby Way to southern site boundary); and
- Section 3 – Hook Rise South (southern site boundary to Oakcroft Road).

431. The survey results revealed that a maximum of 22 vehicles were parked along Section 1 at any given time during the survey, which equates to 100% of capacity along this stretch of road with the lowest total number of cars recorded as being parked along Section 1 at any point during the survey being 18 vehicles (82%). The results indicate that parking demand was consistently around 100% throughout the survey period. This high level of demand is likely to be generated predominantly by residents of the neighbouring Drayton Court and Dean Court residential blocks, and by those wanting to use train services from the nearby Tolworth Station.

432. There is capacity for up to 21 vehicles to park on-street along Section 2 (Hook Rise South adjacent to the Site). At the beginning (0600) and end (2000) of the survey, only 2 (10%) of these spaces were occupied, which suggests that parking demand on this stretch of the road is very low overnight. Between 08:00 and 16:00 parking demand along Section 2 was recorded at between 50% and 70% occupancy, with a peak total of 15 (71%) cars recorded at 13:00. This suggests that parking demand along this stretch of road is predominantly generated by commuters and other rail users travelling on train services from Tolworth station, with demand levels reducing significantly after 1600 until 0700.

433. The profile of parking demand along Section 3 is generally quite flat, with a maximum of 26 vehicles recorded as being parked at 12:00. This equates to 43% of available on-street capacity, as there are a total of 60 spaces along this stretch of Hook Rise South. The minimum number of cars recorded parked on this stretch of the road was 15 at 06:00, equating to 25% of available capacity. There is a small difference between the minimum and maximum level of parking along Section 3, suggesting that the area generally serves residential generated demand rather than commuter or visitor parking.
434. The survey results demonstrate that parking along Toby Way is likely to be in higher demand due to its proximity to the existing residential blocks of Drayton Court and Dean Court, and to Tolworth station, whilst the level of parking reduces further west along Hook Rise South and away from the station. The parking demand patterns suggest that Section 2 is also used for day-time commuter parking, whilst parking demand along Section 3 is predominantly generated by residents.

435. It is considered that the improvements to the part of Hook Rise South adjacent to the site boundary will improve the road corridor for all users, and in particular for pedestrians and cyclists.

436. While there may be some displacement of the existing parking demand from Hook Rise South adjacent to the site boundary following the redevelopment of the site, it is considered unlikely that this would occur further west along the road due to the walking distance from Tolworth station making this unattractive to commuters/day-trippers.

437. The proposed cycle route along Hook Rise South should continue along Toby Way and the link road to provide a safe link to the station. This would be secured through a S106 agreement.

438. Subject to conditions and S278 agreements, it is considered that the proposed access to the development site and the works to the neighbouring roads to accommodate this would be improvements which are welcomed.

**Cycle Parking, Pedestrians and Wayfinding**

439. The London Plan cycle parking standards state that for 376 one bedroom units and 574 units of two or more bedrooms, the proposal would be required to provide 1,524 cycle parking spaces on the basis of 1 per one bedroom unit and 2 per two or more bedroom unit.

440. The London Plan also states that 1 visitor cycle parking space per 40 units should be provided. The site would therefore need to provide 24 visitor cycle parking spaces.

441. The applicant is proposing 1,563 cycle parking spaces for the residential units and 24 visitor cycle parking spaces. Although some residential cycle parking is proposed to be provided at first floor level, the proposal demonstrates that there is an appropriately sized lift to allow cycles to be comfortably moved. This would be conditioned to ensure appropriate cycle parking would be provided in each phase.

442. The level of cycle parking proposed is considered to be acceptable and in accordance with the London Plan.
443. The London Plan states that the following cycle provision is required for the non-residential uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Approx. Area</th>
<th>Long Stay</th>
<th>Short Stay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail (Food)</td>
<td>300 sq m</td>
<td>1 space per 175 sq m</td>
<td>1 space per 750 sq m</td>
<td>3</td>
</tr>
<tr>
<td>Café</td>
<td>100 sq m</td>
<td>1 space per 175 sq m</td>
<td>1 space per 40 sq m</td>
<td>4</td>
</tr>
<tr>
<td>Community Use</td>
<td>115 sq m</td>
<td>1 space per 8 staff</td>
<td>1 space per 30 seats</td>
<td>2-3</td>
</tr>
<tr>
<td>Doctors’ Surgery</td>
<td>300 sq m</td>
<td>1 space per 5 staff</td>
<td>1 space per 3 staff</td>
<td>2-4</td>
</tr>
<tr>
<td>Nursery</td>
<td>175 sq m</td>
<td>1 space per 8 staff + 1 space per 8 students</td>
<td>1 space per 100 students</td>
<td>8-11</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>19-25</td>
</tr>
</tbody>
</table>

444. The Application proposes the following cycle provision for the non-residential uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Approx. Area</th>
<th>Long Stay</th>
<th>Short Stay</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail (Food)</td>
<td>300 sq m</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Café</td>
<td>100 sq m</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Community Use</td>
<td>115 sq m</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Doctors’ Surgery</td>
<td>300 sq m</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Nursery</td>
<td>175 sq m</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>10</td>
<td>17</td>
<td>27</td>
</tr>
</tbody>
</table>

445. Although the proposed cycle provision for the nursery is below the minimum standard, this can be dealt with by way of a condition. It is therefore considered that, subject to conditions, the proposed level of non-residential cycle parking meets the London Plan requirement and is considered to be acceptable.

446. The proposed development also proposes, as part of the wider Travel Plan measures, provision for a new cycle superhub next to Tolworth station, along with Brompton bike hire facilities in phase 5, both of which are welcomed and supported and would be secured by way of a condition.

447. The proposed development would include an improved pedestrian and cycle route along Hook Rise South with 3 entrances into the site and a reorganised pedestrian route along Kingston Road. This will allow for improved connections to Tolworth Station and Tolworth District Centre for both pedestrians and cyclists and is supported.

Buses

448. The applicant, at the request of TfL have proposed to extend the route 281 bus into the site and provide an additional bus and driver.
This would involve creating a road link between Lansdowne Close and Toby Way, making this link and Lansdowne Close one way and providing a bus interchange opposite Tolworth station. The extended 281 bus service would cross over the Tolworth roundabout from north to south when arriving at the development site and from south to north when departing from the development site. The bus interchange facilities would include driver facilities and a large covered bus shelter, the design of which is considered above in the design section.

449. The current route 281 bus terminates in front of Tolworth Tower. This route extension would effectively terminate and commence the service at Tolworth Railway Station creating a transport interchange.

450. TfL consider that the proposed extension of the 281 route into the site is acceptable in principle given the quantum of development, existing routing and the need to provide a connection to the town centres of Tolworth, Surbiton and Kingston.

451. The RBK Neighbourhood Traffic Engineer has raised concern over the potential length of time for the legal process for the conversion of Lansdowne Close to a one-way bus only section (apart from residents of Dean Court and Drayton Court) of road for extended 281 route. However, a clause within the S106 to require the conversion of the road prior to the occupation of the development would resolve this issue.

452. In addition, concern has been raised about the impact of the potential increased queuing on Toby Way on the journey times of the route 281 bus, however, this is a TfL matter and no objection from TfL has been raised regarding this matter.

453. The provision of land for a bus interchange is welcomed along with the monetary payments towards an additional route 281 bus service which will be to the benefit of future residents and the surrounding community. Furthermore it is an aspiration set out in CS Policy T1 that the 281 bus is extended to Tolworth Station and therefore the principle of the extension of the route 281 and the location of the interchange opposite Tolworth station is supported and considered to be the most appropriate location in order to create a transport hub.

**Servicing**

454. A draft Delivery and Servicing Plan (DSP) has been submitted by the applicant which states that the refuse and recycling on the site from both the residential and commercial units would be collected by a private management firm. No objection has been raised by the RBK Waste officer.

455. The RBK Neighbourhood Traffic Engineer has stated concern about the access arrangements to block G2 however, this can be resolved within the respective reserved matters stage and also by way of the
submission of a formal DSP, which can be secured by way of a condition.

Landscaping

456. NPPF Paragraph 69 states that planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. Section 69 goes on to state that planning decisions should promote safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

457. LP Policy 7.5 (Public Realm) states that London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

458. The policy continues on to state that development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high quality public art should be considered, and opportunities for greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised. Development should incorporate local social infrastructure such as public toilets, drinking water fountains and seating, where appropriate. Development should also reinforce the connection between public spaces and existing local features.

459. CS Policy DM10 (Design Requirements for New Developments) seeks to ensure landscaping is an integral part of the overall design of all new developments and that new developments have regard to the public realm and to ways in which it can be enhanced as an integral part of the design of the development.

460. CS Policy DM6 states that new developments should protect and promote biodiversity as part of sustainable design through the inclusion of sustainable drainage, tree planting, soft landscaping and habitat enhancement.

461. The application proposes a site wide landscaping master plan, including Hook Rise South, the transport interchange, three public amenity areas, internal roads and semi-private podium level gardens. The plan covers both the detailed and outline elements.
Hook Rise South

462. The development proposes a planted 2.85 metre high gabion wall and landscaped mound along the boundary of Hook Rise South and Blocks B, C and D, for approximately 270 metres, with gaps for two site entrances, of the approximately 330 metre boundary of the site to Hook Rise South. The proposal also includes the redefining of the Hook Rise South to include on street parking and a combined footpath and cycle way.

463. The proposed combined footpath and cycle way would be a significant improvement to the existing condition of the Hook Rise South footpath with the Kingston mini-Holland material palette proposed to be used, ensuring the cycle lane ties in visually to the rest of the borough.

464. The planted gabion walls would screen the ground floor car parks and are an attempt to integrate the site into Tolworth. The planting would include shrubs and herbaceous cover with trees of varying size and scale. Where space is limited, the use of planted gabion walls provides height to assist with greening the elevation.

465. The planting in the gabion as part of Phase 1 would include a mix of 14 species of low level shrubs and plants and 17 trees from 6 different species. The mix of species and varying heights would provide a high quality and interesting mix of planting on the boundary, providing an effective green, soft screen to the site.

Transport Interchange

466. The proposed surfacing for the pedestrian link to the station, Toby Way and the bus terminus on Lansdowne Close would be finished in the Kingston mini-Holland material palette. Lansdowne Close would be tree lined with 7 Carpinus betulus ‘Frans Fontaine’ (Hornbeam) trees on the southern side and 9 Hornbeams on the northern side, with another 11 lining the connection to Toby Way and Toby Way itself. The pedestrian link would provide a clear desire line into the site from the station, with the raised planters and hornbeams providing as much softening of the transport interchange as possible.

467. The proposed hard and soft landscaping around the transport interchange would be of a high quality, providing an attractive, whilst also functional, finish.

Public Amenity Areas

468. The application proposes 3 main areas to provide communal amenity space within the site; Tolworth Square (phase 1), Mansion Place (phase 3) and Villa Gardens (phase 4).

469. Tolworth Square would be an approximately 2,300 sq m public area, that would also serve as communal amenity space for the development, in between block D to the north and block G to the
south and would be delivered within the first phase. The square would house a cafe, a play area and 3 grassed areas. The square would provide the busy hub at the front of the site, with the large variety of trees, shrubs and plants providing a colourful and well-designed communal area as well as a focal point to the site.

470. Mansion Place would be provided within the outline phase 3 between blocks C1 and C2 to the north and block F2 to the south. The area would consist of a shared surface for vehicles and pedestrians, some defensible planting and some benches. This area, whilst not considered to be a useable communal amenity area, is important in providing a visual relief between the eastern and western ends of the site and creating an additional meeting area within the site.

471. The Villa Gardens area is proposed as part of phase 4 and would provide approximately 135 sq m of quality communal space, set at the western end of the site. This area would provide a large area of children’s play space within a large grassed area. The full planting, landscaping and playable equipment/landscape details would be provided as part of a reserved matters application. The proposed principle layout and use for this area is considered to be acceptable.

**Internal Roads**

472. The vehicle access into the site from Hook Rise South either side of block C will be tree lined streets with 4 Hornbeam trees on each side with low level shrubs and plants within planters lining the streets to provide additional soft landscaping. The choice of trees and use of planters helps the streets link with the main squares and help to break up the hard edges within the site. The detailed element is considered to be acceptable. The principle of the landscaping on the streets within the outline element is considered to be acceptable, however, further work should be undertaken within the submission of the later reserved matters applications to reduce the level of the hardstanding at the south western end of the site in front of block A2.

**Podium Level Gardens**

473. The detailed landscaping plan for the two podium gardens would be replicated across the three podiums within the outline blocks B, C, F and G. The detailed plan for the podiums shows a modest grassed area, with some low level planting separating the private terraces from the communal space. The area could also house some play equipment for children. The podium landscaping is considered to be of an acceptable quality for its proposed use as a communal area.

474. The two larger stepped communal podiums in between outline blocks F1 and F2 and between blocks G1 and G2 are proposed to feature heavy planting on the steps, combined with larger play areas for children. However, this is in outline, with full details to be provided in the subsequent reserved matters applications. The indicative landscaping and use of these two podiums is considered to be acceptable.
475. It is considered that development would significantly improve and enhance the public realm at street level. The landscaping scheme would fit in with the Kingston mini-Holland material palette across the borough, provide improved pedestrian and cycle links along Kingston Road and Hook Rise South, a softened and green boundary between the site and Hook Rise South and the A3, gradual green link through the level of low level and tree planting between Tolworth and the heavily planted boundary of Tolworth Court Farm as viewed when travelling into and out of the Borough along Kingston Road.

476. LP Policy 7.5 requires development to make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way. The proposed development has achieved this with a high quality landscaping scheme and would provide a comprehensible public realm within the site.

477. The proposed landscaping scheme is considered acceptable, subject to conditions regarding planting, street furniture and the hard landscaping finish.

Legal Agreements

478. CS Policy IMP3 states that the Council will use Planning Obligations to secure financial contributions to meet on and off site requirements which are required to support and mitigate the impacts of the development in accordance with the Council’s SPD on Planning Obligations (March 2017).

479. On the 1st November 2015 the Council commenced the operation of a Community Infrastructure Levy (CIL) which is a means of collecting monies to provide local infrastructure to offset the impact of developments. Local CIL replaces S106 as a mechanism for collecting contributions for local infrastructure e.g. education and health with the exception of affordable housing which will still be dealt with by way of a S106 agreement. S106 contributions can only be collected to resolve site specific issues as a result of the proposed development.

480. If site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:

481. “A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development”.
482. The recent Appeal was found to be acceptable in all respects except the legal agreement failing to incorporate details of: 1) Proposed affordable housing in relation to rent levels, household earnings in relation to the intermediate units and affordable housing management strategies; 2) Certainty that the Strategic Roundabout Works would be secured; and 3) Lack of inclusion of all landowners in the legal agreement.

483. In dismissing the Appeal, “The Secretary of State agrees that, for the reasons given by the Inspector, there are deficiencies within the terms of the Undertakings offered that are directly related to the development and which it would be necessary to remedy to make it acceptable in planning terms, particularly in relation to affordable housing provision, the contribution to the strategic roundabout works and guaranteeing the provision of other necessary obligations.”

484. Overall, therefore, the Secretary of State agrees with the Inspector that the planning obligations proposed would be directly related to the development and necessary to make it acceptable in planning terms so that, without such obligations being sufficiently guaranteed through an appropriate Unilateral Undertaking, the development as a whole is unacceptable and would not comply with the thrust of development plan policy and the Framework. Furthermore, while agreeing with the Inspector that the deficiencies identified could be resolved by the submission of an amended S106 Unilateral Undertaking, the Secretary of State takes the view that rectifying these flaws is essentially the responsibility of the parties to the obligation and, while encouraging the parties to do so, he concludes that planning permission should not be granted until they are resolved.”

485. In relation to this application, the following site specific financial and infrastructure contributions are required to mitigate the highways impacts of the development:

- £50,000 towards interim A3 Roundabout Works;
- £582,250 towards the extension of the 281 bus route;
- £300,000 towards the cost of an additional bus during peak hours;
- A bus interchange comprising of a bus stop, shelters and a drivers facility;
- £2.5 million to contribute towards a strategic solution to the Tolworth roundabout;
- 3 years free car club membership for each unit and a minimum of 8 car club spaces;
- The requirement to secure a car club operator;
- An oyster card with £60 credit for each unit;
- £30,000 towards parking surveys; and
- £4,500 towards Travel Plan monitoring.

The total highways financial contribution agreed will therefore be £3,466,750.
486. In addition, a series of S278 works will be required covering:
- A bus interchange facility including bus stops and shelters for bus route 281, passenger waiting areas, bus standing areas and a driver's mess facility on Lansdowne Close;
- The transfer of a portion of Land to TfL to enable the Tolworth Roundabout Strategic works;
- Works to Hook Rise South, including the widening of the carriageway to incorporate on-street parking lay-bys, the closure of the existing site access, creation of two new vehicular entrances, creation of a shared pedestrian and cycleway;
- Works to Toby Way including the widening of the carriageway to include on street parking lay-bys and the creation of a new site access point;
- Works to Lansdowne Close including the realignment of the carriageway and introduction of a bus-only route between the Drayton Court car park access and the A240 Kingston Road junction, creation of new carriageway with on-street parking and loading lay-by to extend Lansdowne Close to the southwest of Drayton Court as far as Toby Way, the resurfacing of the carriageway and footways and the creation of new landscaping and planting;
- Works to Kingston Road including alterations to elements of the kerbing, alterations to the white lining on the approaches to the roundabout and on the roundabout gyratory, and the introduction of new traffic signage on the approaches to the roundabout; and
- General works to the highways including:
  - General preliminaries;
  - Alterations to statutory undertakers’ pipes, cables, plant and equipment as necessary;
  - Surface water drainage alterations may be required for new gullies, manholes, connections and all pipework required;
  - Provision and relocation of lighting columns and any other street furniture as necessary, and all associated electrical work;
  - Provision of road markings and traffic signs, both temporary and permanent, where necessary;
  - Footway and carriageway works and alterations including embellished surfacing on approach to crossings; and
  - Parking or waiting restrictions as required by the Council or TfL fronting the Development.

487. The development will be providing 238 (25.05%) affordable housing units. This will be subject to a review mechanism requiring the submission of a viability review with the Reserved Matters applications for the 2nd and 4th phases. Additional profit will be split 60-40 in favour of the Council. Any additional profit above 17.5% in the phase 2 review and above 20% in the phase 4 review will go towards additional on-site affordable units with a final review at 95% occupation of the scheme. Any profit above 20% in the final review will be split 60-40 in favour of the Council with the Council’s share to be provided as a cash contribution towards affordable housing within the borough up to the equivalent of 50% affordable housing on the
488. The legal agreement will also secure:

- A community facility in phase 1, and the expansion of this in phase 2. The residential element of the development will not be occupied until a tenant has been found;
- A Day Nursery in phase 1. The residential element of the development will not be occupied until a tenant has been found;
- A Doctors Surgery in phase 6. The residential element of phase 6 will not be fully occupied until a tenant has been found;
- A Welfare Station for Tolworth Metropolitan Police Officers in Phase 2;
- A Local Employment Strategy;
- £253,800 towards a Carbon Offset contribution;
- A review of the Carbon Offset required for each phase.

- £1,090,160 towards sporting and leisure provision in the borough split between:
  - £594,128 towards swimming pools; and
  - £496,032 towards sports halls.

489. Although an additional £95,732/£75,330 was requested towards sports pitches, the Kingston CIL covers playing pitches so officers cannot request this. In addition, £56,361 was requested towards a bowls provision however, Kingston does not have a scheme to allocate the indoor bowls centres contribution to meaning that this also cannot be secured.

490. The total S106 financial contribution, subject to any future Carbon Offset contributions required for future phases, would be £4,810,710.

491. In addition the application is liable to pay Kingston CIL and Mayoral CIL. The application site is located within Kingston CIL charging zone 4, which currently has a charge of £50/m2 for additional residential floorspace and £20/m2 for additional non-residential floor area. The Mayoral CIL charge for Kingston is currently set at £35/m2 for any additional floorspace. The total floorspace for the entire development, both outline and detailed, is proposed to be 32,354 m2.

492. Although the application is a hybrid application, the indicative floor plans combined with the detailed floor plans state that the residential floorspace for the entire development is expected to be 86,647 sqm with 1,202 sqm of non-residential floorspace. Using the indicative figures, the CIL liability is likely to be in the region of £4,332,350 for residential and £24,040 for non-residential for a total of £4,356,390 for the detailed phase of the development.

493. Each reserved matters application will be required to pay its own CIL liability.

494. The CIL charges are subject to the national Tender Price Index. In the event that the All-in Tender Price Index ceases to be published,
the index referred to is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

495. Subject to the completion of a Section 106 securing the planning obligations the proposal would be in accordance with Policy IMP3 of the Council’s LDF Core Strategy April 2012.

Sustainability

496. NPPF Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

497. NPPF Paragraph 93 describes planning as playing a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Planning also supports the delivery of renewable and low carbon energy and associated infrastructure which is central to the economic, social and environmental dimensions of sustainable development.

498. NPPF Paragraph 94 advises LPAs to adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

499. NPPF Paragraph 96 suggests that in determining planning applications, Local Planning Authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

500. LP Policy 5.1 states that there is an aim to achieve an overall reduction in London’s carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 develops further on this by stating that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following points; use less energy, supply energy efficiently, use renewable energy.

501. LP Policy 5.3 states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Development proposals should also demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. Major Developments should:

- Minimise carbon dioxide emissions across the site, including the
building and services (such as heating and cooling systems).

- Avoid internal overheating and contributing to the urban heat island effect.
- Make efficient use of natural resources (including water), including making the most of natural systems both within and around buildings.
- Minimise pollution (including noise, air and urban run-off).
- Minimise the generation of waste and maximising reuse or recycling.

502. CS Policy DM1 (Sustainable Design and Construction Standards) states that, where appropriate, all new developments over 500m² of floorspace to achieve BREEAM ‘Outstanding’.

503. CS Policy DM3 (Designing for Changing Climate) states that design proposals should incorporate climate change adaptation measures based on the type and extent of the main changes expected in the local climate throughout the lifetime of the development, this is likely to require a flexible design that can be adapted to accommodate the changing climate, e.g. provision of additional shading or cooling.

504. Where relevant, development proposals will need to take into consideration the requirements for climate change adaptation in the following ways:

- Design of streets and siting of buildings;
- Incorporation of green and blue infrastructure;
- Building density; and
- Reduction of potable water consumption.
- All developments should provide communal or private spaces for residents and the community that:
- Ameliorate the urban heat island effect;
- Provide flooding attenuation if required; and
- Increase biodiversity.

505. Where it is not possible to meet the standards, compelling reasons must demonstrate that achieving the sustainability standards outlined in CS Policies DM1 to DM3 would not be technically feasible or economically viable, the Council will negotiate planning contributions with developers to fund other methods to offset the environmental impact of the development.

Energy Efficiency

506. The BRUKL (Building Regulation United Kingdom Part L) is an assessment of the energy efficiency of commercial buildings.

507. The crèche, community space and café all exceed the minimum requirements of Part L being 19%, 16% and 2.65 respectively above the minimum standards.
508. All of the commercial buildings in the detailed phase 1 meet the minimum standards and are therefore policy compliant with regard to energy. The commercial uses in the outline phases will need to be assessed in each of the respective reserved matters applications.

Energy

509. Policy 5.2 of the London Plan and Policy DM1 of the LDF Core Strategy states that new residential development would be expected to achieve the equivalent of Code for Sustainable Homes Level 4. A condition will be required to ensure that the development will achieves not less than the CO2 reductions (ENE1) and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4.

510. The submitted energy Statement demonstrates that the development could meet this. Subject to the above condition, the proposal in this respect would be in accordance with Policy 5.2 of the London Plan and Policies CS1 and DM1 of the LDF Core Strategy.

511. The submitted Energy Statement calculates that although the development would meet the requirements of exceeding the minimum requirements of BRUKL with a cumulative onsite carbon reduction of 35%, to meet the requirements of LP policy 5.2 for zero carbon homes a Carbon Offset would need to be paid to the Council in payment of not being a Zero Carbon development.

512. The detailed phase 1 of the development will be required to offset 141 tonnes of CO2 per year, per 30 years, multiplied at a price of £60 per ton, resulting in a payment due to the Council of £253,800.

513. The outline phases will be assessed for any Carbon Offsetting required to be paid in each respective reserved matters application. These contributions would be secured through a S106 agreement.

514. The proposed development would have an acceptable level of sustainability and would therefore be considered acceptable in sustainability terms, subject to conditions relating to future connections to a District Heat Network and ensuring that the residential and commercial elements meet their respective sustainability targets.

Other Material Considerations

Air Quality

515. NPPF Paragraph 124 of the NPPF states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning
decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

516. LP Policy 7.14 (Improving Air Quality) states that the Mayor recognizes the importance of tackling air pollution and improving air quality to London’s development and the health and wellbeing of its people. He will work with strategic partners to ensure that the spatial, climate change, transport and design policies of this plan support implementation of his Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimize public exposure to pollution.

517. The policy states that Development proposals should:
- Minimize increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans;
- Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils’ ‘The control of dust and emissions from construction and demolition’;
- Be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs));
- Ensure that where provision needs to be made to reduce emissions from a development, this is usually made on-site. Where it can be demonstrated that on-site provision is impractical or inappropriate, and that it is possible to put in place measures having clearly demonstrated equivalent air quality benefits, planning obligations or planning conditions should be used as appropriate to ensure this, whether on a scheme by scheme basis or through joint area based approaches; and
- Where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations. Permission should only be granted if no adverse air quality impacts from the biomass boiler are identified.

518. An Air Quality Assessment and an Air Quality Addendum have been submitted with the application which assess the impacts of the development during both construction and operational periods. These documents have been assessed by the GLA and the Council’s Environmental Health team.

519. The existing air quality within the immediate surrounding area of the site is of a poor air quality, with concentrations of nitrogen dioxide exceeding the annual mean objective at relevant receptors along the
A3 and at the Tolworth Interchange adjacent to development site. The site lies within an Air Quality Management Area.

520. The guidance published by Environmental Protection UK and the Institute of Air Quality Management (Moorcroft and Barrowcliffe et al, 2017) has been used to determine the significance of effects. The guidance discusses that the significance of effects must be based on professional judgement, taking account of the predicted impacts and makes clear that, “several impacts that are described as ‘slight’ individually could, taken together, be regarded as having a significant effect for the purposes of air quality management in an area, especially where it is proving difficult to reduce concentrations of a pollutant. Conversely, a ‘moderate’ or ‘substantial’ impact may not have a significant effect if it is confined to a very small area and where it is not obviously the cause of harm to human health.”

521. The Air Quality Assessment concludes that the construction works would give rise to a Medium to High Risk of dust impacts. To mitigate against this, it would be necessary to apply a package of mitigation measures to minimise dust emissions. With these mitigation measures in place, the overall impacts during the construction would be considered to be ‘not significant’. This can be dealt with by way of a condition.

522. The development also proposes having 2 x 750kW CHP boilers and 9 x 1130KW boilers located within an Energy Centre. These boilers will all be natural gas-fired units. The Air Quality Assessment states that the proposed energy centre within the development will lead to an imperceptible increase in annual mean and 1-hour nitrogen dioxide concentrations. As such the air quality impacts of the proposed energy centre would be considered to be ‘not significant’.

523. The proposed development will generate additional traffic which would result in increases in pollutant concentrations at a number of sensitive locations. The resulting emissions from these additional traffic movements will have slight to moderate adverse impacts for nitrogen dioxide and negligible impacts for PM10 and PM2.5. The dwellings that would be affected number between approximately 20 and 25 properties consisting of:

- Hook Rise North: approximately. 2-3 houses at the top of Hook Rise North closest to Tolworth Interchange (represented by receptor R5 in the air quality assessment report);
- Dean Court on Kingston Road: approximately. 3-4 ground-floor dwellings fronting onto Kingston Road (represented by receptors R7 and R8 in the air quality assessment report);
- Bell Court on Barnsbury Lane: approximately. 8-10 ground-floor dwellings fronting onto Barnsbury Lane (represented by receptors R9 and R10 in the air quality assessment report); and
- Kingston Road: approximately. 5 ground-floor dwellings fronting onto Kingston Road (represented by receptor R11 in the air quality assessment report).
The concentrations of PM10 and PM2.5 at these receptors would remain above the air quality objectives at some of the sites, with or without the scheme in place. However, the slight to moderate adverse impacts would result in small changes in absolute concentrations (i.e. <2% or 0.8 μg/m³), which would be considered to be adverse because the existing baseline nitrogen dioxide concentrations are high and already exceed the objective.

It is therefore concluded that the air quality impacts associated with road traffic emissions generated by the proposed development are judged to be ‘significant’ without mitigation.

The applicant has proposed to incorporate a number of measures, primarily aimed at encouraging sustainable transport, which will provide air quality benefits and reduce the predicted impacts of the proposed development through a reduction in vehicle trips. The applicant predicts that this would result in a 30% reduction in trips from the site upon full occupation in approximately 2023 at the earliest. However, these measures alone would not result in an air quality neutral development as required by LP policy 7.14. The applicant has, at the request of the GLA, proposed that 40% of all car parking spaces within each phase of the development would be for electric cars only, thereby significantly reducing the amount of pollution generated from the site.

The Air Quality Addendum demonstrates that at full occupation of the development, the proposed mitigation measures listed in the Air Quality Assessment combined with 40% of all car parking spaces within each phase of the development to be for electric cars only, would result in adverse air quality impacts to be limited to a single receptor, which represents a worst-case location on the façade of Bell Court on Barnsbury Lane with a worst case moderate adverse impact predicted. Where impacts are described as slight or moderate adverse, these are a result of a very small change in nitrogen dioxide concentrations (~0.2 μg/m³) confined to a small number of dwellings. This represents a very minor change compared to the baseline position, affecting a very small population and does not represent a tangible risk to human health.

A condition would be added to any approval to ensure that 40% of all car parking spaces in each phase of the development are for electric cars only.

Subject to the proposed measures above, and conditions controlling these, the proposed development would be Air Quality Neutral with regard to building emissions. The development is not Air Quality Neutral with or without mitigation in place for transport emissions; however the suggested mitigation package provides a substantial reduction (58%) in total annual transport emissions from the development and goes above and beyond standard mitigation for a development of its type. It is judged that no further air quality mitigation is required. The proposed development would therefore be considered to not have an adverse effect on air quality or have a significant
detrimental impact on the existing residents from air quality. The
application is therefore in accordance with Policy 7.14 of the London
Plan.

530. Although the traffic from the proposed development would result
in a worst case moderate impact on the properties on Barnsbury Lane,
the level of change is considered to not cause an unacceptable level of
harm. No objection has been raised by the RBK Environmental Health
Officer or the GLA.

Health Impacts

531. LP policy 3.2 (Improving Health and Addressing Health
Inequalities) states that the Mayor will take account of the potential
impact of development proposals on health and health inequalities
within London. The Mayor will work in partnership with the NHS in
London, boroughs and the voluntary and community sector as
appropriate to reduce health inequalities and improve the health of all
Londoners, supporting the spatial implications of the Mayor’s Health
Inequalities Strategy.

532. Policy 3.2 continues that the impacts of major development
proposals on the health and wellbeing of communities should be
considered, for example through the use of Health Impact
Assessments (HIA). New developments should be designed,
constructed and managed in ways that improve health and promote
healthy lifestyles to help to reduce health inequalities.

533. CS policy DM21 (Health Impacts) states that all major
development proposals must submit a Health Impact Assessment (HIA) as part
of their application to assess the positive and negative effects of a
development. This is particularly important in Tolworth where there is
already pressure on GP practices which are at a capacity and in
addition to the cumulative effect of other large developments in the
vicinity.

534. CS policy CS13 (Improving Community Health and Well-being)
states that the Council and its local strategic health partners will seek
to maximise the opportunities to improve public health outcomes
through recreation and exercise and to facilitate the reorganisation,
improvement and potential co-location of healthcare facilities and to
ensure that they are in sustainable, accessible locations, including a
doctors’ (GP) premises to meet NHS standards regarding registered
patient list sizes, giving priority to areas with health inequalities, under-
provision or where existing premises are unable to meet increased
demands resulting from new housing development as identified on
Figure 23. The application site is identified as a site to provide a
doctors’ surgery with a new housing development under the name
‘former government offices/Toby Jug site’.

535. The submitted HIA states that the overall patients per GP in the
local area (1km of the site) is currently at an average of 1,145 per GP.
This is significantly below the Department for Health target of 1,800.
However, the site is identified within policy CS13 as one that should provide a new doctors’ surgery with any housing development. The application will therefore be providing a doctors’ surgery, which will be secured through the S106. This will ensure that the proposal will not have a significant impact on the local health provision.

536. The submitted HIA sets out that the average patients per dentist within the borough (figures for a local list are not available) are currently at 1,268 patients per dentist. This is significantly below the Department for Health target of 2,000. Although the proposed development would have an impact on the dentist to patient ratio within the borough, there is significant existing capacity to accommodate this.

537. The application has demonstrated there will be a small impact on health provision in the locality which can be accommodated within the existing dental surgeries, with a new doctors’ surgery to be provided to accommodate the additional GP patients. The development is therefore in accordance with policy 3.2 of the London Plan and policies CS13 and DM21 of the Core Strategy.

Education

538. CS policy DM23 (Schools) requires new residential development to contribute to education provision in accordance with guidance in the Planning Obligations SPD or CIL charge.

539. The application will generate a CIL charge which could contribute towards education provision within the borough.

540. The site will provide a 262sq m day nursery which would provide for approximately 60 children aged 0-5 years. The nursery would be a year round facility, open for a minimum of 51 weeks Monday to Friday between 7.30am and 6.30pm. This would be a welcomed provision and is supported by Achieving for Children.

541. The educational provision within the site is supported.

Community Facility

542. Policy T(i) states that the Council will investigate opportunities within the Tolworth Key Area of Change to work with the Metropolitan Police and the private sector to secure the provision of a base for the Tolworth and Hook Rise police officers within or closer to its policing area, e.g. on or near to Tolworth Broadway.

543. Policy T1(k) of the Core Strategy states that the Council will investigate opportunities within the Tolworth Key Area of Change to provide additional meeting space/space for classes and youth facilities through a number of measures including providing new facilities on development sites, including the application site.

544. The proposed community facility would be located in block D3, phase 1 and would be 62 sq m in size, a relatively small area.
However, an area that could be useful as a meeting area for community groups.

545. The energy centre adjacent to the community facility will be moving into phase 2 upon the completion of that phase leaving approximately 110 sq m of free space. The applicant has proposed to turn this area into additional community space, providing a community space of approximately 170 sq m upon the completion of phase 2. This enlarged area would also include an 11 sq m Metropolitan Police welfare station for officers working on and around Tolworth Broadway.

546. The proposed community space would be of an adequate size and would be a useful addition to Tolworth.

Accessibility and Inclusion

547. NPPF Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Planning Authorities should help create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Safe and accessible developments should be encouraged, which contain clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

548. CS Policy 7.2 states that all new development should be designed so that it can be used safely, easily and with dignity by all, regardless of disability, age, gender, ethnicity or economic circumstances and that new developments should be convenient and welcoming, with no disabling barriers, so that everyone can use them without undue effort, separation or special treatment.

549. The applicant has stated that the proposed development is intended to provide accessibility for everyone. This includes barrier-free access for disabled residents, workers or visitors who may use wheelchairs, those with impaired mobility, sight comprehension or hearing difficulties, pushchair users and children and elderly people.

550. All entrances will have level thresholds and will allow easy wheelchair access with wide corridors and lifts to every floor provided, ensuring the environment would be easy to understand and navigable and all car parking will have step free access and/or will be served by a lift.

551. The application complies with the 2015 Building Regulations – ‘Access to and Use of Buildings Part M’ in that 10% of the 950 units would be M4(3) compliant (Wheelchair user dwellings) with the remaining 90% M4(2) compliant (Accessible and adaptable dwellings). Phase 1 will include 22 M4(3) compliant units; 10 one bed units, 10 two bed units and 2 three bed units. This is considered to be acceptable.

552. No areas are proposed for religious purposes and no element of the design discriminates against any culture. The buildings are suitable
for use by all age groups and genders and seeks to accommodate the needs of any potential user, ensuring the development is considered to be inclusive.

553. The proposed development would meet the required standards and good practice guidance provided in the Building Regulations Approved Documents Part M and Part K, BS 8300:2009 Design of buildings and their approaches to meet the needs of disabled people, and the Equality Act 2010 and the Metropolitan Police Secure by Design Officer has stated no objection to the proposal.

554. The proposed development is therefore considered to be acceptable in terms of accessibility and inclusion.

Archaeology

555. The NPPF Section 12 and LP Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. NPPF Paragraph 128 says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

556. CS Policy DM12 states that heritage assets should be preserved. The site is located adjacent to an Archaeological Priority Area.

557. Historic England (Archaeology) have advised that although the site lies outside of an archaeological priority area, it does lie in close proximity to a known Iron Age settlement. English Heritage have therefore requested a condition requiring a two-stage process of archaeological investigation comprising of first an evaluation to clarify the nature and extent of surviving remains, followed by, if necessary, a full investigation. English Heritage have stated that although the NPPF envisages evaluation being undertaken prior to determination, in this case, considering the nature of the development, the archaeological interest and/or practical constraints are such that they consider a condition could provide an acceptable safeguard.

558. The application is considered acceptable in terms of archaeological impacts, subject to a condition.

Biodiversity

559. CS Policy 7.19 (Biodiversity) states that development proposals should be planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and
appropriate biodiversity action plans.

560. CS Policy DM6 states that new developments should protect and promote biodiversity as part of sustainable design through the inclusion of sustainable drainage, tree planting, soft landscaping, habitat enhancement, green roofs and new or improved semi-natural habitats, where appropriate.

561. The policy continues on to state that the Council requires an ecological assessment on major development proposals, or where a site contains or is next to significant areas of habitat or wildlife potential.

562. The site is not subject to any statutory or non-statutory nature conservation designation. The nearest statutorily designated sites for nature conservation are Tolworth Court Farm which is separated from the site by the railway line and King Georges Playing Fields and the Hogsmill River Park Local Nature Reserve (LNR) situated approximately 800 metres to the south. The site has been cleared with no vegetation remaining.

563. A Phase 1 Ecological Appraisal of the site was submitted as part of the application. This report concluded that the habitats on the site, predominantly scattered scrub, semi improved grassland and introduced shrub, are common urban habitats, limited in extent and not exceptional examples of their type in the context of the local area.

564. Although no reptiles were observed during the initial ecological appraisal the site is directly adjacent to a vegetated rail embankment offering connectivity to sub-optimum habitat for common reptiles such as slow worm and common lizard. It is therefore recommended that if more than 18 months elapses between the survey being carried out and work commencing on site then a further survey should be carried out.

565. The report also recommends that prior to removal of any suitable nesting bird habitats, a nesting bird check is carried out.

566. It is therefore considered that the development would not have an adverse effect on biodiversity, subject to conditions securing the above mitigation measures, and is therefore in accordance with Policy DM6 of the Council’s adopted Core Strategy.

Contamination

567. Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe
development rests with the developer and/or landowner.

568. Nevertheless, Paragraph 121 goes on to add that planning policies and decisions should also ensure that:
- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- Adequate site investigation information, prepared by a competent person, is presented.

569. A Phase 1 Environmental Assessment dated 1st December 2016 by Delta-Simons was submitted with the application. This concluded that in the absence of any significant historic contaminated land uses that the likelihood for significant pollution is low. As with any development there is potential during ground works for the discovery of materials which could be identified as “contaminated” and therefore a condition should be imposed should unexpected contamination be discovered during the construction process.

570. The Council’s Environmental Health Officer has reviewed the assessments submitted and has no objections subject to conditions.

Flooding and Surface Water Drainage

571. The site is located in Flood Zone 1 (low risk: less than 1 in 1000 year), which is an area not considered to be at risk of tidal or fluvial flooding. A small portion of the western corner of the site is located within one of the borough’s Critical Drainage Areas. The site is also predicted to be at high (1 in 30 year), medium (1 in 100 year) and low risk (1 in 1000 year) of surface water flooding.

572. In accordance with the NPPF and associated Technical Guidance, the application has been accompanied by a Flood Risk Assessment (FRA). The FRA qualitatively assesses all sources of flooding and sets out overarching principles that will be adopted as part of the on-going drainage strategy detailed design process.

573. The submitted FRA demonstrates that the proposed development would not result in a significant detrimental increase in surface water flooding, with the surface water drainage strategy ensuring this by providing underground attenuation tanks in conjunction with green podiums to limit the discharge to three times the greenfield runoff rate, sufficient to handle a 1 in 30 year rainfall event.

574. The Environment Agency and the Council’s Flood Risk Officer
have stated no objection to the proposed development, subject to a condition for the drainage design and also a condition for full details of the implementation, adoption, maintenance and management of the Sustainable Urban Drainage System prior to the commencement of the development.

575. The proposed development would therefore be considered to not be at an adverse risk from flooding or significantly increase surface water run off within or off the site, subject to conditions, in accordance with London Plan Policy 5.13 and Policy DM4 of the Core Strategy.

Refuse and Recycling

576. The development is proposing large communal refuse and recycling stores at the sides of each of the buildings with two stores proposed for the phase 1 building, one at each side. The proposed store for this building is considered to be of an acceptable size. The indicative refuses stores and locations across the outline elements of the site are considered to be acceptable. The use and collection of the refuse stores will be managed by a waste management company.

577. The proposal states that commercial waste will be separate to residential waste, with commercial waste contained within the commercial tenant’s demise.

578. A Waste Management Strategy, including a Servicing and Access plan will need to be submitted by way of a condition for each phase of the development, including the detailed phase 1. The Waste Management Strategy will need to be in line with Policy Guidance 22 of the Residential Design SPD.

Fire Safety

579. Following the Grenfell Tower Fire, the applicant has provided an outline fire safety strategy that has been developed for RIBA Stage 2. The applicant will need to consult with Building Control (or an Approved Inspector) and the Fire Brigade during the next design stages i.e. RIBA Stage 3 (Developed Design) when a full and detailed fire strategy will be prepared.

580. The overarching means of escape strategy currently recommended in both BS 9991 and Approved Document B (i.e. a ‘defend in place’ strategy) is still appropriate for residential buildings. There have been significant developments with respect to smoke detection and alarm systems, smoke ventilation, firefighting access, material specification and fire safety management as well as extensive research undertaken demonstrating the high levels of safety provided with such a strategy. The recommendations of these two design guides provide a level of safety that fulfils the requirements of the current Building Regulations and fire safety standards.

581. ‘Defend in Place’ strategy relates to the evacuation philosophy
for common residential developments where only the occupants of the apartment/dwelling who are immediately at risk from the effects of fire should need to evacuate the building, the remaining building occupants should “stay in place” in their apartment/dwelling as this is considered as a place of relative safety.

582. The design team has considered a simultaneous evacuation strategy – similar to a hotel building – where all residents would evacuate at the same time i.e. simultaneously. However, for the residential developments, the proposed evacuation strategy (defend in place) is the preferred and based on standard fire safety guidance and recommendations by Statutory Authorities including Fire Brigade.

583. The fire safety strategy for the Tolworth development has been designed to comply with the functional requirements of Building Regulations 2010 and will be based on Approved Document B (ADB), BS9991 and BS9999. The applicant has proposed the following fire safety features:

- Automatic fire detection will be provided throughout the building (i.e. to all areas – apartments, corridors, lift lobbies, ground and basement areas). The means of escape arrangements for the residential accommodation in the building are designed for ‘defend in place’ strategy;
- Sprinklers to all buildings;
- Firefighting services are provided to all levels within those building with a height above 18m including a dry riser hydrant system, accessed from the common corridor, a firefighting lift and smoke ventilation;
- Buildings with a height of less than 18m height do not require a firefighting shaft, but will still require smoke ventilation in common corridors and dry riser provision;
- Smoke shafts will be provided to deliver mechanical smoke control ventilation to the common corridors and lift lobbies;
- All elements of the structure will be protected with 90 minutes for buildings with a height above 18m, but less than 30m; buildings with a height below 18m require only 60 minutes fire resistance. Flats will be separated from one another by 60 min fire resistance and compartment floors will provide 60/90 min fire resistance;
- The smoke shaft will comprise of 60/90 minute fire enclosure whereas all apartment risers will be fire stopped at each compartment floor with the same fire resistance period as the compartment floors. Risers within the common parts will be formed in 60/90 minute fire resisting enclosures with 1 hour fire resisting doors, these risers will not be afforded fire stopping at floors levels;
- External fire spread analysis will be undertaken during next design stage using BR187 guidance; and
- The external façade materials will comply with guidance as per ADB or BS.
The Local Fire Officer was contacted on 23rd June 2017 and no response has been received. Any issues with the above would be picked up in the Building Control stage. The Fire Brigade had previously stated no objections to the proposed development

**Development adjacent to Metropolitan Open Land (MOL)**

Policy DM5 (Green Belt, Metropolitan Open Land (MOL) and Open Space Needs) states that the Council will only allow development on sites adjacent to the Green Belt, MOL or other open space designation that does not have a detrimental impact on its visual amenities and respects the size, form and use of that open space, in accordance with national guidance.

The proposed development would be separated from the MOL land by the railway line and Kingston Road. The proposed development would, however, be visible from 4 areas of MOL; Tolworth Goals, Kingston University Playing Fields, Tolworth Court Farm and King George’s Fields.

The MOL currently occupied by Tolworth Goals, features ten 5 aside astroturf football pitches and associated barriers and netting. Although the proposed development would be visible above the railway line embankment, and of a larger scale and bulk than the single storey Tolworth Goals main building and associated football pitches, given the nature of the use on the MOL, lack of openness around the Tolworth Goals site, the separation distance to the MOL across the busy Kingston Road and railway embankment and the current use of the site and surrounds, officers do not consider the proposed development to significantly impact on the visual amenities of the adjacent Tolworth Goals MOL.

The Kingston University Playing Fields are located to the far south east of the site on the other side of the railway line embankment and Tolworth Goals. The development would be visible from this part of the MOL in very fleeting views between the trees in winter. When the trees are in full leaf these views would disappear. It is therefore considered that the development would not affect the visual amenities of the MOL at Kingston University Playing Fields.

The MOL at Tolworth Court Farm Fields is located to the south of the development, on the other side of the railway line embankment and the Lidl site and is also designated as a Local Nature Reserve. From this location, currently only the very top part of Tolworth Tower is visible. Only the top storey and the mansard roof of block G would be visible when the trees are not in leaf. When the trees are in full leaf these views would disappear. The amount of building visible would be less than that of Tolworth Tower and would be less intrusive on the view from the MOL than from Tolworth Tower. Given the limited views of the site and presence of Tolworth Tower in the view already, it is considered that the development would not affect the visual amenities of the MOL at Tolworth Court Farm.
The MOL at King George’s Fields is located on the other side of the railway line embankment, directly to the south east of the site. At present only Tolworth Tower is visible from this location. The development would be highly visible from this view with the tallest proposed buildings, 8 and 10 storey blocks F and G respectively, against the embankment. The proposed development would have a significant and noticeable impact on the currently open setting of this open space to the northern side of the MOL at this location given the height and mass of the proposed buildings and their proximity to the MOL. Any development to regenerate the brownfield land at this location would impact on the setting of the MOL at this location. The fact that this would be visible and would change the setting is not the same as it causing harm. It will be a significant change to the setting of the MOL which will include the provision of high quality buildings. The impact on the setting of the MOL is considered to be acceptable.

Cumulative Impact

Paragraph 24 of the National Planning Policy Guidance (NPPG) states that local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.

Prior to the submission of this application, an application at the Tolworth Tower site on the opposite side of the roundabout has a resolution to approve subject to the satisfactory signing of a S106 agreement. This development proposes 308 residential units with a further 78 previously approved under the prior notification procedure which allows vacant office space to be converted to residential units without the need for a formal planning application. The impact of these 386 residential units in conjunction with those proposed as part of this application needs to be taken into account.

In addition, an application at Jubilee Way for a Lidl headquarters building on the other side of the railway line was approved on the 20th July 2017. This development proposes 311 car parking spaces for up to 750 employees. The impact of the trip generation from these potential 750 employees and 311 car parking spaces in conjunction with the trip generation predicted as part of this application needs to be taken into account.

If both the application site and Tolworth Tower developments were to gain permission, they would result in 1,336 new residential units being constructed. In this instance, whilst this number of units is significant they are to be constructed in and adjacent to a District Centre, in a sustainable location adjacent to a mainline station into London and in an area designated as a Key Area of Change and Housing Opportunity Area within the Council’s adopted Core Strategy. Having regard to these factors it is considered that the proposal would be taking place in an area identified for development and would also enhance vitality and viability of the centre in a sustainable location.

All the developments would result in changes to traffic on the
surrounding road network especially the roundabout with the A3 which is already heavily congested. In making their comments and reaching recommendations on all three applications, Transport for London have modelled the impact of all three developments on the roundabout. The cumulative impact in terms of traffic has therefore been assessed in relation to this application, Tolworth Tower and the Lidl headquarters.

596. Both the application site and Tolworth Tower development are likely to have impacts on socio-economic infrastructure such as school places and health services. The developments on both sites will be phased and would not result in 1336 new dwellings all at once. The applicants for this application have indicated an approximately 8-10 year build programme which would allow time for the necessary infrastructure to be provided. In addition both developments will be required to mitigate their impacts on local services through the payment of the Community Infrastructure Levy which will provide the monies for additional service provision. This application will also provide a site and building for a new doctors’ surgery and a nursery to facilitate increased GP services and provision of early years care in the locality.

Conclusion

597. The application proposes the development of a site which is identified for housing and lies within a Housing Opportunity Area for the erection of 950 residential units. The site is located in a sustainable location adjacent to Tolworth District Centre and Tolworth Railway Station. The proposed development would be of a high quality design that would meet the design quality required for a large residential site and be in keeping with the high quality developments recently approved in the surrounding Tolworth area, helping to continue Tolworth’s regeneration. The proposed layout and height of the development have been tested against the Council’s adopted Development Plan to ensure that development of this quantum can be developed on the site without having an adverse impact on the character of the area, the amenity of surrounding residents, the highway network and all other material considerations detailed in the report, including consideration of the recent Appeal decision on this site which accepted the principle of the provision of a 705 unit development on this site.

598. The proposed density of the site would be above the London Plan density matrix and that of the surrounding area, however, given the unique characteristic of the location and the size of the development overall it is considered that the site could support increased densities without being detrimental to the character of the surrounding area as a whole.

599. Balanced against the increased density, is the significant benefit to the Borough and Tolworth in particular, that the development would have in providing 950 units, including 30% family sized units and 25% affordable housing. Furthermore, through its design, it would provide public realm and routes and would significantly boost the regeneration
of Tolworth through the building on longstanding vacant land and would provide additional population to support the vitality of the local area and viability of local businesses/ facilities.

600. It is therefore considered that the density exceeding the densities in the London Plan is outweighed by the significant economic, regenerative benefits, new public space, additional housing, including affordable housing and the contributions towards improving the strategic transport solution provided by the development which will mitigate the additional traffic generated by this development.

RECOMMENDATION: APPROVE

A) Approve subject to referral to the Mayor of London, the Secretary of State and the completion of an agreement under S106 of the Town & Country Planning Act 1990 (as amended) to secure the details as specified in the Legal Agreements section, and the following conditions, and

B) To delegate to the Head of Planning and Regeneration any changes to conditions where necessary, including where required to conform with the agreed Section 106 agreement.

1. The detailed Phase 1 hereby permitted shall be commenced within 3 years from the date of this decision.

**Reason:** In order to comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development shall comprise the phases listed below as identified on phasing plan 01195_JTP_MP_107- Indicative Phasing Plan_revA:

   Phase 1: Block D and associated works;
   Phase 2: Block G and associated works;
   Phase 3: Block F and associated works;
   Phase 4: Blocks A, B, C and associated works;
   Phase 5: Block H and associated works; and
   Phase 6: Block E and associated works

**Reason:** In the interests of the proper planning of the development in accordance with the Royal Borough of Kingston Upon Thames Development Plan.

3. Applications for approval of matters hereby reserved under Article 5 (1) of the Town and Country Planning (General Management Procedure) Order 2015 (or any Order revoking or re-enacting this Order):

   a) Appearance;
   b) Landscaping;
   c) Scale

   for phase’s 2-6 of the planning permission must be made to the Local Planning
Authority within two years of the date of this decision.

**Reason:** In order to comply with Section 92 of the Town and Country Planning Act, 1990. (As amended)

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

<table>
<thead>
<tr>
<th>Plan Description</th>
<th>Date Received</th>
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<tbody>
<tr>
<td>01195-JTP-BD-107 Seventh Floor_revC</td>
<td>17/11/2017</td>
</tr>
<tr>
<td>01195-JTP-MP-001 Rev P1 Site Location Plan</td>
<td>06/12/2016</td>
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<tr>
<td>01195-JTP-MP-002 Rev P1 Existing Site Plan</td>
<td>06/12/2016</td>
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<tr>
<td>01195_Addendum Submission Rev 3_P</td>
<td>03/05/2017</td>
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<tr>
<td>01195_JTP_MP_012 - Level 02 Plan_revA</td>
<td>21/03/2017</td>
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<tr>
<td>01195_JTP_BD_100 - Ground Floor Plan_revD</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_101 - First Floor Plan_revC</td>
<td>25/05/2017</td>
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<td>01195_JTP_BD_102 - Second Floor Plan_revC</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_103 - Third Floor Plan_revC</td>
<td>25/05/2017</td>
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<tr>
<td>01195_JTP_BD_104 - Fourth Floor Plan_revC</td>
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<td>01195_JTP_BD_150_Pavilion Drawing_Set</td>
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<td>01195_JTP_BD_151 Bus Station Plans</td>
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<td>01195_JTP_BD_152 Bus Station Elevations</td>
<td>21/03/2017</td>
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<tr>
<td>01195_JTP_BD_153 Bus Driver Facilities Sheet</td>
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<tr>
<td>01195_JTP_BD_160 - Toby Way Elevation</td>
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<td>01195_JTP_BD_200 - Block D - North West Elevation_revC</td>
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<td>01195_JTP_BD_201 - Block D - South East Elevation_revC</td>
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<td>01195_JTP_BD_203 - Block D1 - North East Elevation_revD</td>
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<td>01195_JTP_BD_204 - Block D2 South West Elevation_revC</td>
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<td>01195_JTP_BD_205 - Block D2 North East Elevation_revD</td>
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<td>01195_JTP_BD_207 - Block D3 North East Elevation_revD</td>
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<td>01195_JTP_BD_300 – Block D Schematic Section –</td>
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<td>Rev A</td>
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<tr>
<td>01195_JTP_MP_018 - Level 08 Plan_revA</td>
<td>21/03/2017</td>
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5. Prior to the submission of any Reserved Matters application, a single Design Code for all outline phases of the development site shall be submitted and approved in writing by the Local Planning Authority. Once approved, the subsequent reserved matters applications shall be submitted in accordance with the details in the approved Design Code, including a code compliance statement. The Design Code shall include the following information:

<table>
<thead>
<tr>
<th>Design</th>
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<tbody>
<tr>
<td>a) Character Areas</td>
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<tr>
<td>b) Masterplan design concept</td>
</tr>
<tr>
<td>c) Built Form</td>
</tr>
<tr>
<td>d) Design Concept</td>
</tr>
<tr>
<td>e) Scale and building form including,</td>
</tr>
<tr>
<td>i) Scale and expression of base, plinth and podium;</td>
</tr>
<tr>
<td>ii) Scale of link buildings or mews houses;</td>
</tr>
<tr>
<td>iii) Scale and expression of roofs and upper storeys; and</td>
</tr>
<tr>
<td>iv) Street sections showing the above as well as public and private spaces between buildings.</td>
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<tr>
<td>f) Provision of private and communal amenity spaces including,</td>
</tr>
<tr>
<td>i) Balcony strategy (including location, size, form and design);</td>
</tr>
<tr>
<td>ii) Allocation of defensible space to units and relationship with public or communal space; and</td>
</tr>
<tr>
<td>iii) The usability of the above with regard to microclimate, noise and air quality.</td>
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<tr>
<td>g) Floor plan arrangements</td>
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</tbody>
</table>
h) Active frontages (definition to be agreed);
   i) points of access (number, type and zones);
   ii) location of bin and cycle storage;
   iii) aspect of units;
   v) units per shared core; and
   vi) location of family (3bed) units.

i) Detailed design including:
   i) parapet/mansard and dormer design;
   ii) Bay studies (including sections, depth of reveals);
   iii) window proportion and facade rhythm;
   iv) balcony arrangement and design;
   v) design of primary access core design; and
   vi) assessment of detailed local influence in architecture including
       feature panels, brick (and other) banding, quoin details and gables.

j) Site wide materials palette, including principles of deployment.

k) Landscape
   i) Design concept
   ii) Street form including indicative sections identifying function
       zones.
   iii) Public space design, including purpose, function (sqm space for
       different use types). Allocation of on-site play.
   iv) Communal space design including purpose, function (sqm space
       for different use types).
   v) Site wide materials palette, including hard and soft materials
       palettes with street furniture, lighting, planting.

Reason: The details would affect subsequent design of other elements of the
scheme and must be agreed at the outset and to ensure a satisfactory
appearance on completion of the development and in the interests of proper
planning in accordance with Policy DM10 (Design Requirements for New
Developments including House Extensions) of the Kingston Core Strategy
(April 2012).

6. Notwithstanding the Town and Country Planning (General Permitted
Development) (England) Order 2015 (Or any provisions equivalent to that Class
on any statutory instrument revoking and re-enacting that Order), the area
indicated as a D1 (Doctors’ Surgery) shall not be used for any use other than
as a Doctors’ Surgery, Class D1. No other use within Class D1 is permitted.

Reason: To avoid the introduction of other uses in the same Use Class, which
may be harmful to the amenities of the area and to ensure that a Doctors’
Surgery is provided with regard to Policy 3.16 of the London Plan (2016) and
Policies T1, CS16, DM10 and DM18 of the Kingston Core Strategy (adopted
April 2012).

7. Notwithstanding the Town and Country Planning (General Permitted
Development) (England) Order 2015 (Or any provisions equivalent to that Class
on any statutory instrument revoking and re-enacting that Order), the area
indicated as a D1 (Nursery) shall not be used for any use other than as a
Nursery, Class D1. No other use within Class D1 is permitted.
**Reason:** To avoid the introduction of other uses in the same Use Class, which may be harmful to the amenities of the area and to ensure that a Nursery is provided with regard to Policy 3.16 of the London Plan (2016) and Policies T1, CS16, DM10 and DM18 of the Kingston Core Strategy (adopted April 2012).

8. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (Or any provisions equivalent to that Class on any statutory instrument revoking and re-enacting that Order), the area indicated as an A3 (Café) shall not be used for any use other than as a Café, Class A3. No other use within Class A3 is permitted.

**Reason:** To avoid the introduction of other uses in the same Use Class, which may be harmful to the amenities of the area and with regard to Policies DM10 and DM18 of the Kingston Core Strategy (adopted April 2012).

9. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the buildings shall be erected within the curtilage.

**Reason:** To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

10. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (Or any provisions equivalent to that Class on any statutory instrument revoking and re-enacting that Order), the area indicated as a A1 (Retail Use) shall not be used for any use other than as a Retail Unit, Class A1. No other use within Class A1 is permitted.

**Reason:** To avoid the introduction of other uses in the same Use Class, which may be harmful to the amenities of the area and with regard to Policies DM10 and DM18 of the Kingston Core Strategy (adopted April 2012).

11. A sample of all facing materials to be utilised in Block D, phase 1 of the development hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials, plant enclosure and car parking cladding shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. The development shall then be built in accordance with these approved samples.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
12. A sample of all facing materials to be utilised in the café building, phase 1 of the development hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials and plant enclosure shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. The development shall then be built in accordance with these approved samples.  
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

13. Prior to the commencement of the development, floor plans of the café building, including the location of any plant, shall be submitted to and approved in writing by the Local Planning Authority. The café shall then be implemented in accordance with these approved plans.  
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

14. A sample of all facing materials to be utilised in the bus stop and the associated facilities, phase 1 of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL, before any works on site are commenced. The development shall then be built in accordance with these approved samples.  
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

15. Full detailed drawings at 1:20 or 1:50 of openings including windows, doors, communal entrances openings, the ground and first floor elevations, double height dormers, balconies, areas for signage and plant screening for phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The development shall be carried out in accordance with the approved plans.  
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

16. No fans, louvres, ducts, flues, pipe-work or other external plant shall be fixed to the elevations of the buildings.
**Reason:** In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

17. The roofs of the buildings hereby permitted shall not be converted or used as balconies or a sitting out areas, and no access shall be gained except for maintenance purposes.

**Reason:** To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

18. No development shall commence until a landscaping scheme and planting schedule for phase 1 of the development, including boundary treatment, details of play equipment, hardstanding, street furniture, acoustic screens, details of the podiums and full detailed drawings at 1:20 or 1:50 of the planted gabion walls along Hook Rise South have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

19. Prior to the occupation of each phase of the development, full details of the wildflower brown roof related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The wildflower brown roof shall be implemented prior to the occupation of that phase of the development and retained in perpetuity.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

20. Prior to the occupation of any phase of the development hereby approved, details of the highway works required in connection with the proposed bus layby, including any relocation of services and pedestrian crossings, shall be submitted to and approved by the Local Planning Authority or by the Council as Highway Authority pursuant to Section 278 of the Highways Act 1980, and carried out in accordance with the approved details. Such details shall include the agreement of levels and construction details. All works are to be to the
Council's adoptable highway standards and shall include any associated drainage works, lighting improvements, landscaping, street furniture, road markings, signage, traffic orders, and any necessary alterations to statutory undertakers equipment. Any widening to the public footways shall be retained permanently available for pedestrian circulation and the widened areas dedicated as highway pursuant to the Highways Act 1980.

**Reason:** In the interests of amenity, the free flow of traffic on the highway and road safety in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the Local Development Framework Core Strategy, Adopted April 2012.

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21. Prior to commencement of any phase of the development, full details of bat, bird, reptile and mammal conservation including details of bat and bird boxes and their location within each phase of the development shall have been submitted to and approved by the Local Planning Authority. These mitigation measures shall be fully implemented prior to the occupation of each phase of the development hereby permitted in accordance with the approved details and shall be retained in perpetuity.

**Reason:** The relevant works would take place at the beginning of the construction phase to safeguard and protect the sites biodiversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

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22. Prior to commencement of any phase of the development, a scheme incorporating full details of the external lighting for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such. The scheme shall take into account all of the lighting needs associated with the location and uses within the relevant phase of the development and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle or distract drivers on nearby roads.

The scheme shall include:

a) A statement setting out the objectives of the lighting scheme;
b) A report, prepared by a lighting engineer, setting out the technical details of the luminaries and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution;
c) A plan illustrating illuminance levels across the phase and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole;
d) A plan illustrating illuminance levels beyond the boundary of the site, together with the downward light output ratio of the lights;
e) A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimizing the day and night-time
visual impact of the installation;
f) An operational statement, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings;
g) Details of the proposed hours of operation; and
h) Details of the cumulative impact of the lighting taking account of each phase.

Once approved in writing, the lighting scheme for that phase shall be operated in accordance with the approved details. The council reserves the right to require periodic testing to be conducted on the lighting installations and if it is confirmed that approved levels are being exceeded the operator of the lighting scheme will be required to implement the necessary works to bring it back within compliance within a specified time period.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in order that the lighting shall not cause nuisance to nearby occupiers, bats or be a source of danger to road users in accordance with Policies DM10 (Design Requirements for New Developments including House Extensions) and DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

23. Prior to commencement of any phase of the development hereby permitted, a scheme incorporating measures to minimise, where possible, the risk of crime in accordance with the principles and physical security requirements of Secured by Design, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police. The approved measures for that phase shall be implemented before the development is occupied and retained thereafter.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interest of security and crime prevention and to accord with Policy DM10 of the Royal Borough of Kingston upon Thames Core Strategy (April 2012).

24. Prior to the commencement of any phase of development, a plan for that and other phases showing the levels of all buildings, communal areas, roads, parking areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. The phase shall be constructed in accordance with the approved details.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that the appearance and functioning of the development is satisfactory and to safeguard the amenities of adjoining occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012 and comply with Supplementary Planning Document 'Access for All' (July 2005).

25. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning...
authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

26. Prior to the commencement of the development, a Habitat Survey shall be submitted to and approved in writing by the Local Planning Authority. The Survey shall include nesting bird and reptile checks. Any mitigation measures required shall be fully implemented prior to the commencement of the development.

Reason: The relevant works would take place at the beginning of the construction phase safeguard and to protect the sites biodiversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

27. Prior to commencement of any phase of the development, a contaminated land assessment shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The relevant works would take place at the beginning of the construction phase and to prevent harm to human health and pollution of the environment in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

28. Should remedial works be required for any phase of the development, the remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development works and remedial works. On completion of the agreed remedial works, a closure report
and certificate of compliance endorsed by the interested party/parties, shall be submitted to and agreed in writing by the Local Planning Authority, prior to the occupation of the site by end users.

**Reason:** The relevant works would take place at the beginning of the construction phase and to prevent harm to human health and pollution of the environment in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

29. If during implementation of any phase of the development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

**Reason:** The relevant works would take place at the beginning of the construction phase and ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, and in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

30. Prior to commencement of works (excluding site investigations and demolition), the applicant must submit a final detailed drainage strategy detailing any on and/or off site drainage works, including drawings, to the Local Planning Authority, in consultation with Thames Water for review and approval.

Where the applicant has made material changes to the approved drainage strategy defined in the Flood Risk and Drainage Strategy for Hook Rise South, issue 3 dated 10 February 2017, revised calculations, updated Drainage Assessment Form and maintenance plan that demonstrate compliance with the original drainage strategy must be submitted to support the detailed design.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

The development shall not be occupied until the drainage strategy has been implemented.

**Reason:** The relevant works would take place at the beginning of the construction phase and to prevent the risk of flooding to and from the site and to ensure that sufficient capacity is made available to cope with the new development, in accordance with relevant policy requirements including but not limited to Policy 5.13 of the London Plan (2016), its associated Sustainable Design and Construction SPG, the Non Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council’s Core Strategy Policy
31. Prior to the commencement of the development, an impact study of the existing water supply and waste water infrastructure shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

**Reason:** The relevant works would take place at the beginning of the construction phase and to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

32. Prior to the commencement of each phase, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:** The relevant works would take place at the beginning of the construction phase and the proposed works will be in close proximity to underground water utility infrastructure and to safeguard the amenities of the occupiers of the neighbouring properties and surrounding area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

33. Prior to the occupation of each phase of the development, full details of any plant or machinery shall be submitted to and approved in writing by the Local Planning Authority.

The plant and machinery shall be enclosed and soundproofed and shall permanently retained.

The rating level of the noise determined by the cumulative sound emissions of any plant permitted shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be determined 1m externally to any window at the nearest residential façade. Measurements and assessment shall be carried out in accordance with British Standard 4142: 2014.

**Reason:** In order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

34. Prior to the commencement of the development, an Acoustic Report assessing noise from fixed plant and machinery within the Block D Energy Centre and how it may impact upon the occupiers of the first floor flats located above, including details of acoustic insulation to protect the occupiers of the neighbouring residential units, shall be submitted to and approved in writing by...
the Local Planning Authority.

The scheme shall be implemented before the buildings are first occupied and thereafter permanently retained.

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

35. Prior to the commencement of phase 2, an Acoustic Report assessing noise from fixed plant and machinery within the Block G Energy Centre and how it may impact upon the occupiers of the first floor flats located above, including details of acoustic insulation to protect the occupiers of the neighbouring residential units, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented before the buildings are first occupied and thereafter permanently retained.

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

36. Prior to the commencement of each phase of the development, a scheme for protecting the proposed dwellings from external noise shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be completed before any of the dwellings are occupied.

**Reason:** In order to safeguard the amenities of the occupiers of the dwellings in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

37. Prior to commencement of the development the applicant shall submit to the Local Planning Authority for approval in writing a scheme detailing sound transmission reduction measures to be installed:

(a) between the floor/ceiling construction of the Block D Community Use and first floor flats located above to limit airborne sound transmission

(b) between the floor/ceiling construction of the Block D Nursery and first floor flats located above to limit airborne sound transmission, and

(c) within the separating wall between the Block D Nursery and proposed flat to limit airborne sound transmission

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). Once agreed in writing by the Local
Planning Authority the approved details shall be installed prior to the development being occupied and retained thereafter.

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating therefrom and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

| 38. | Prior to commencement of phase 2, the applicant shall submit to the Local Planning Authority for approval in writing a scheme detailing sound transmission reduction measures to be installed:

(a) between the floor/ceiling construction of the Block G Site Office and flats located above to limit airborne sound transmission; and  
(b) within the separating wall between the Block G Site Office and proposed flats to limit airborne sound transmission

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to this part of the development being occupied and shall be retained thereafter.

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating therefrom and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

| 39. | Prior to commencement of phase 5, the applicant shall submit to the Local Planning Authority for approval in writing a scheme detailing sound transmission reduction measures to be installed:

(a) between the floor/ceiling construction of the Block H Cycle Hub and flats located above to limit airborne sound transmission; and  
(b) within the separating wall between the Block H Cycle Hub and proposed flats to limit airborne sound transmission

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to this part of the development being occupied and shall be retained thereafter.

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating therefrom and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

| 40. | Prior to commencement of phase 6, the applicant shall submit to the Local |
Planning Authority for approval in writing a scheme detailing sound transmission reduction measures to be installed:

(a) between the floor/ceiling construction of the Block E Doctors Surgery and any flats located above to limit airborne sound transmission;
(b) within the separating wall between the Block E Doctors Surgery and any adjoining flats to limit airborne sound transmission;
(c) between the floor/ceiling construction of the Block E retail unit and any flats located above to limit airborne sound transmission; and
(d) within the separating wall between the Block E retail unit and any adjoining flats to limit airborne sound transmission.

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to the development being occupied and retained thereafter.

Reason: The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

41. Prior to the commencement of any phase of the development hereby permitted a mitigation scheme for protecting the proposed dwellings against noise from the adjacent railway line and associated commercial activity shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any of the dwellings are occupied and shall thereafter be permanently retained.

Reason: The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

42. Prior to the commencement of any phase of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority for the acoustic insulation of the buildings, including where necessary non openable windows. The scheme shall be implemented before the buildings are first occupied and thereafter permanently retained.

Reason: The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

43. The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and
Sundays.

**Reason:** To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

44. No phase of the development with a commercial unit in shall commence until a Design Stage Assessment Report showing that the commercial unit will achieve a BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan CO2 reduction targets.

**Reason:** The relevant works would take place at the beginning of the construction phase and in the interests of sustainability and energy conservation as set out in Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

45. Within 3 months of the occupation of any phase of the development with a commercial unit, a Post-Construction Review demonstrating that the commercial unit has achieved a BREEAM Outstanding rating shall have been submitted to and approved in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets.

**Reason:** The relevant works would take place at the beginning of the construction phase and in the interests of sustainability and energy conservation as set out in Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

46. No phase of the development hereby permitted shall be occupied until details of the refuse and recycling storage facilities and a refuse and recycling management strategy for the residents of, staff of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The refuse and recycling storage and management plan shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

47. The A1 (Retail) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays

**Reason:** To safeguard the amenities of the occupiers of the neighbouring
48. The D1 (Doctors’ Surgery) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays

**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

49. The D1 (Nursery) premises shall not operate outside of the hours between 6am and after 8pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays

**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

50. The A3 (Café) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays

**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

51. The D1 (Community Use) premises shall not operate outside of the hours between 8am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays.

**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

52. Prior to the occupation of phase 2 of the development hereby permitted, full details of the Metropolitan Police Welfare station located in Block D, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.

The Metropolitan Police Welfare station shall be implemented prior to any occupation of Phase 2.

**Reason:** To ensure a satisfactory finish to and provision of the Welfare Station on completion of the development in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.

53. Prior to commencement of any development on site, a Construction Management Plan shall be submitted to the planning authority for written agreement. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period.
The construction management plan should include the following:

a) Statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken, such as basement extension and major construction build;

b) Proposals for loading/unloading materials, site storage etc;

c) The route to and away from site for muck away and vehicles with materials;

d) Deliveries/collections to and from the site should use a route that is agreed with NRSWA team. The agreed route should be signed accordingly.

e) Protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;

f) Protocol for managing vehicles that need to wait for access to the site; and

g) Whether any reversing manoeuvres are required onto or off the public highway into the site, and whether a banksman will be provided;

h) Temporary site access;

i) Signing system for works traffic;

j) Site access warning signs will be required in adjacent roads.

k) Whether it is anticipated that statutory undertaker connections will be required into the site.

l) Storage of plant, materials and operatives vehicles;

m) Measures for the suppression of noise and abatement of other nuisance arising from development works;

n) Location of all ancillary site buildings;

o) Means of enclosure of the site; and

p) Wheel washing equipment.

q) The parking of vehicles of site operatives and visitors.

r) A Dust Management Plan

s) Code of Construction Practice (which shall include details of contractor liaison for the local community)

**Reason:** In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

54. Details of the layout and the point at which air intake is proposed for the Mechanical Ventilation with Heat Recovery System shall be submitted to and approved by the local planning authority prior to first occupation of each phases of the development.

**Reason:** To safeguard the amenity of future occupants of the residential development once occupied.

55. Prior to the occupation of each phase of the development, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that 40% of all of the car parking spaces for residents within the
relevant phase shall be reserved for electric car users only.

**Reason:** To safeguard the health of the occupiers of neighbouring properties and future residents in the interests of air quality as set out in Policy 7.14 (Improving Air Quality) of the London Plan (March 2016).

56. Within 3 months of first occupation, evidence must be submitted to the council confirming that the development hereby approved has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 35% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/day must be submitted to and approved by the Local Planning Authority, unless otherwise agreed in writing.

**Reason:** In the interests of sustainability and energy conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

57. No building within the development, except Block D, may have more than 8 units per core.

**Reason:** To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).

58. The development shall provide a minimum of 30% of the housing on site as 3 bedroom or more units.

**Reason:** To ensure a mix of housing and to ensure compliance with Policy DM13 of the Council's LDF Core Strategy 2012.

59. Prior to the commencement of the development, an Air Quality Report, detailing the air quality levels at all residential balconies, shall be submitted to and approved in writing by the Local Planning Authority.

All balconies where the hourly average air quality is demonstrated to exceed 60ug/m3 shall be removed from the proposal.

**Reason:** To safeguard the health of neighbouring properties and future residents in the interests of air quality as set out in Policy 7.14 (Improving Air Quality) of the London Plan (March 2016).

60. Each Phase of the development shall provide a level of private and communal amenity in line with the following standard:

- 50 sqm of communal amenity space per building;
- 10 sqm of private amenity space per flat including 1 additional sqm for every person over 1; and
50sqm of private amenity space per house.

If the private amenity space cannot be provided, this may be accommodated in the communal amenity space.

**Reason:** To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the RBK Residential Design SPG (July 2013).

61. Prior to the occupation of each phase of the development, an overheating analysis, using TM59 methodology (or any future method which supersedes this), must be carried out on the corridors and the findings shall be submitted to the Local Planning Authority.

The relevant phase shall not be occupied until the Local Planning Authority has confirmed in writing that the overheating analysis/results are acceptable.

**Reason:** To ensure that the housing delivered is of high quality and to protect the amenity of future occupiers in accordance with Policy 3.5 of the London Plan (March 2016), Policies DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).

62. No building within the development shall include a 3 bed unit that is not dual aspect.

**Reason:** To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).

63. Prior to the occupation of any phase of the development, a car park management plan for that phase shall be submitted to and approved in writing by the Council, details of which shall include, how disabled people would have priority over use of the allocated disabled car parking bay(s); measures to prevent the access road being blocked; and monitoring arrangements. The parking arrangements as approved shall be implemented prior to occupation, and thereafter be permanently retained.

**Reason:** To ensure satisfactory parking provision for all and to ensure the safe and convenient movement for all users of the proposed access road and car parking areas, in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Core Strategy, Adopted April 2012).

64. A minimum of 10% of the car parking spaces provided within each phase shall be disabled car parking spaces.

The disabled car parking spaces will be made available for use prior to the occupation of the relevant phase of the development hereby permitted and shall thereafter be retained for use at all times by disabled people.
Reason: To ensure the provision of adequate disabled car parking accommodation and that sustainable transport methods are encouraged and implemented in accordance with Policies CS07 and DM10 of the Kingston Core Strategy (April 2012).

65. Prior to the occupation of any phase of the development, a Travel Plan containing a package of measures for reducing the number of vehicle trips to the site by residents and visitors shall be submitted to the Local Planning Authority, in consultation with TfL.

The Travel Plan shall be implemented in accordance with details submitted to and approved by the Local Planning Authority. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.

Reason: To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.

66. Prior to the occupation of any phase of the development, a Travel Plan containing a package of measures for reducing the number of vehicle trips to the site by staff and visitors for the commercial units shall be submitted to the Local Planning Authority for approval, in consultation with TfL.

The Travel Plan shall be implemented in accordance with details submitted to and approved by the Local Planning Authority. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.

Reason: To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.

67. No phase of the development hereby permitted shall be occupied until details of the secure and covered cycle parking facilities for the residents of, staff of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory cycle storage facilities and in the interests of highway safety in accordance with Policy DM8 (Sustainable
Transport for New Developments) of the LDF Core Strategy Adopted April 2012.

68. Prior to the occupation of the development, details of the location of an additional fire hydrant on Hook Rise South shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the London Fire Brigade.

The fire hydrant shall be installed and operational prior to the occupation of any part of the development.

**Reason:** In the interests of the safety of future occupants of the residential development once occupied.

69. Prior to the commencement of the development, details of the protection of UK Power Network infrastructure, including underground cabling and substations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with UK Power Networks.

Any mitigation measures required shall be fully implemented prior to the commencement of the development.

**Reason:** In the interests of the safety of future occupants of the residential development once occupied.

70. Prior to the commencement of any phase of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of 10% of the units within the phase are wheelchair accessible.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that an adequate level of accessible units are provided in accordance with Policy 3.8 of the London Plan (2016), Policy DM13 of the RBK Core Strategy (2012) and the Mayors Housing SPG (2016).

71. Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations.

**Reason:** To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction.
A2 Register No: 16/13280/FUL

Address: 57 EDEN STREET, KINGSTON UPON THAMES, KT1 1DA

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[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]
Executive Summary

The application seeks full planning permission for the redevelopment of a previously developed site (Gough House and Car Park) into a mixed-use residential led form of development.

The proposed development would comprise 8 floors of accommodation (not including the basement), with 1,620 sqm of retail floor space on the ground floor and 40 units of residential accommodation over floors 1-8. The basement would provide ancillary accommodation.

In relation to the density of the development, Policy 3.4 of the London Plan states that in Central Areas (those in or close to a Major/Metropolitan Town Centre) with PTAL ratings of 4-6, an appropriate density equates to 650-1100 hr/ha (or 215-405 u/ha). The proposal would provide approximately 668 hr/ha (or 238 u/ha). The proposal would therefore accord with Policy 3.4 of the London Plan 2016.

The development would be car-free, this would be secured by way of a legal agreement. Cycle parking for the residents would be included in the basement of the proposed building, with cycle parking for the staff of the retail unit provided to the rear of the site, within the development. The proposed development would include the provision of 20 cycle spaces to be provided off-site, funded by the developer.

The proposed development would provide 15% family units, below the 30% figure, however for the reason set out in paragraph 145 of the report the applicant has demonstrated that it would not be practicable to provide the 30% figure.

Each of the flats would be provided with access to outdoor amenity space, although some flats would not be provided with the 10sqm as per the Kingston Residential Design SPD. However, in accordance with the SPD any under provision would be accommodated in the communal space.
Applicant's Plan Nos:

112586 FRA - Level 2 - v2 Received 29/12/2016
112586 Gough House - BIA V2 Updated pdf Received 29/12/2016
161114 Podium Garden Sketch Layout Received 29/12/2016
2016-12-21 PB4647 Gough House Transport Statement Received 29/12/2016
91825A Gough House Energy Statement 02-12-2016AG Received 29/12/2016
95-155 P101 Block plan 1.500 Received 29/12/2016
95-155P100 Site plan 1.1250 Received 29/12/2016
95155P117 east ele col Received 29/12/2016
95155P118 south ele col Received 29/12/2016
95155P119 west ele col Received 29/12/2016
95155P119 west ele col(1) Received 29/12/2016
95155P120 north ele col Received 29/12/2016
Air Quality Assessment Received 04/08/2017
BREEAM-UK-NC-2014-Pre_Assessment-Estimator-v4.2 - Gough House Retail - shell Received 29/12/2016
CgMs Gough House DBA, Nov 2016.compressed Received 29/12/2016
Dayligt and Sunlight Report Received 07/02/2017
Design & Access Statement Part 1, rev Received 16/10/2017
Design & Access Statement Part 2 of 2 Received 07/07/2017
Drainage Assessment Form Received 20/04/2017
Dwg No 95-155/P.104 Proposed Basement Plan Received 07/07/2017
Dwg No 95-155/P.105 Proposed Ground Floor Plan Received 07/07/2017
Dwg No 95-155/P.105 Proposed Ground Floor Plan (Superceded) Received 20/04/2017
Dwg No 95-155/P.106 Proposed First Floor Plan Received 07/07/2017
Dwg No 95-155/P.107 Proposed Second Floor Plan Received 07/07/2017
Dwg No 95-155/P.108 Proposed 3rd to 6th Floor Plans Received 07/07/2017
Dwg No 95-155/P.109 Proposed 7th Floor Plan Received 07/07/2017
Dwg No 95-155/P.110 Proposed Roof Plan Received 07/07/2017
Dwg No 95-155/P.111 Proposed East Elevation Received 07/07/2017
Dwg No 95-155/P.112 Proposed South Elevation Received 07/07/2017
Dwg No 95-155/P.113 Proposed West Elevation Received 07/07/2017
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<td>Ground Investigation Report &amp; Basement Impact Assessment</td>
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<td>Planning Statement with Appendices</td>
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<td>Site Location Plan Red Outline</td>
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Planning Policy
National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (Web-Based Resource)

Development Plan: Mayor for London
London Plan March 2016 (consolidated with alterations since 2011)
LDF Core Strategy Adopted April 2012
Kingston Town Centre AAP 2008

Kingston Affordable Housing SPD
Kingston Residential Design SPD
Kingston Sustainable Transport SPD
Kingston Planning Obligations SPD

London Affordable Housing and Viability SPG
London Housing SPG
London Sustainable Design and Construction SPG
London Plan and Informal Recreation Space SPG

RBK Borough Character Study
Noise Policy Statement for England (NPSE)
RBK Sustainability Appraisal Core Strategy

Other Guidance: RBK Borough Character Study
Noise Policy Statement for England (NPSE)
RBK Sustainability Appraisal Core Strategy

Policies
LONDON PLAN MARCH 2016
LP 3.13 Affordable housing thresholds
LP 3.3 Increasing housing supply
LP 3.4 Optimising housing potential
LP 3.5 Quality and design of housing development
LP 3.8 Housing choice
LP 5.12 Flood risk management
LP 5.2 Minimising carbon dioxide emissions
LP 5.3 Sustainable design and construction
LP 6.13 Parking
LP 6.9 Cycling
LP 7.14 Improving air quality
LP 7.19 Biodiversity and access to nature
LP 7.2 An Inclusive environment
LP 7.3 Designing out crime
LP 7.4 Local character
LP 7.6 Architecture
LP 7.8 Heritage assets and archaeology
CS 01 Climate Change Mitigation
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### Previous Relevant History

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<td>95/3229/FUL</td>
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Consultations

1. **Neighbour Notification**: 155 owner/occupiers of neighbouring properties were notified of the application. In response to this application 2 letters of objection were initially received. One of the letters of objection was subsequently withdrawn and replaced by a letter of support.

2. Comments raised in the letter of objection are as follows:

   - The proposed new building is ugly, brutalist and far too large in scale for this site. The existing building offers a pleasing frontage on to Eden Street and should be retained.

3. Comments raised in the letter of support are as follows:

   - The proposed development would not compromise the amenity or operation of the site or the future development potential of 40, 40A, 40B and 40C Clarence Street and the wider frontage
   - The application site is within a very sustainable location being within the Kingston Town Centre and designated within the Primary Shopping Area. The proposal supports the objectives of the KAAP and provides the opportunity to deliver a mixed-use development that would contribute to the regeneration of the area.
   - We support the principle of land use and the development of this brownfield site for a mixed-use retail and residential scheme.
   - Our independent assessment of daylight/sunlight (carried out by Bidwells on behalf of the freeholder owner of Nos. 40, 40A, 40B and 40C Clarence Street) largely supports the findings of the report submitted with the application. Therefore student accommodation at 40C Clarence Street is unlikely to be affected.
   - Privacy screening should be installed on the north facing balconies;
   - The retention of the existing access and suggested security measures are supported.

4. **Highways England**: No objection

5. **RBK Neighbourhood Highways Engineer**: No objection subject to planning conditions/planning obligation

6. **Transport for London (TFL)**: No objection subject to planning conditions/planning obligation

7. **Historic England**: Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

8. **Historic England (Greater London Archaeology Advisory Service)**: No
objection subject to pre-commencement planning conditions.


10. Metropolitan Police Service Designing Out Crime Officer: Offers advice for security measures which could be secured by planning condition

11. Thames Water: No objection

12. Environment Agency: No objection

13. Kingston Council Lead Local Flood Authority Officer: No objection subject to planning conditions

14. Kingston upon Thames Society: No objection

15. RBK Environmental Health Officer: No objection subject to planning conditions

Site and Surroundings

16. The application site lies within Kingston Town, a designated Metropolitan Centre in the London Plan 2016. The site falls within the boundary of the Eden Quarter redevelopment area, as set out in the Eden Quarter Development Brief SPD (March 2015).

17. The site is previously developed land and is made up of Gough House, a two storey Edwardian development consisting of ground floor retail/financial services units (A1/A2) with first floor Office accommodation (B1). To the rear of Gough House is a Council owned car park accessed from a service road running along the southern boundary of the site. This service road provides access to the Eden Walk servicing basement as well as to M&S.

18. Gough House is not a Listed Building or a Building of Townscape Merit (BTM) and the site is not within a Conservation Area. The site is located within an Area of Archaeological Significance, is situated within the K+20 Area Action Plan - Key Area of Change, is situated within a Key View corridor, within the Kingston Town Centre boundary and is designated within a K+20 Kingston Town Centre Area Action Plan as a primary shopping area. The site also falls within the South of Clarence Street, Eden Quarter Proposal Site, as defined in Policy P2 of the K+20 Kingston Town Centre Area Action Plan (2008).

19. The site is highly accessible with Kingston Railway Station within a 300m walk of the site and a wide range of local and sub-regional buses having stops on the adjacent Eden Street to the east of the site. The Public Transport Accessibility Level (PTAL) rating is 6b (Best).

20. The River Thames is located approximately 340m to the west of the site and the site falls within Fluvial Flood Zone 2 while part of the site to the rear is situated in EA Surface Water Flood Risk (1 in 1000).
Proposal

21. Demolition of existing building and erection of an eight storey mixed use building accommodating 1,620sqm of retail floor space on the ground and basement floors, 40 flats with associated amenity space on the upper floors and servicing area to rear.

Assessment

21. The main considerations material to the determination of this application are:

- Principle of Proposed Development
  - Residential Development
  - Loss of office accommodation
  - Proposed Retail Use
  - Conclusion
- Impact on the Character of the Area
  - Height, Massing & Scale
  - Density
  - Materials
  - Landscape
  - Conclusion
- Impact on Heritage Assets
  - Development Context
  - Gough House
  - Designated Heritage Assets
  - Non-Designated Heritage Assets
  - Viewing Corridors
  - Richmond Park Grade I
  - Hampton Court Palace and Hampton Court Park
  - Archaeology
- Housing Mix
- Standard of Accommodation
- Affordable Housing
- Flood Risk and Surface Water Drainage
- Impact on Neighbouring Amenity
- Highways and Parking
- Sustainability
- Legal Agreements
- Other Material Considerations

Principle of Proposed Development

56. The main issue in relation to the principle of the development relates to the principle of the loss of the existing office space and the provision of a mixed-use residential and retail development.

Residential Development

57. The application proposes 40 residential units.

58. The NPPF directs that housing applications should be considered in
the context of the presumption in favour of sustainable development. It further states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It continues that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

59. Paragraph 17 of the National Planning Policy Framework (NPPF) directs that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

60. The application site falls within Kingston Town Centre. The National Planning Policy Framework provides that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. The NPPF further directs that in drawing up Local Plans, local planning authorities should: inter alia recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

61. The London Plan identifies Kingston Town Centre as a Metropolitan Centre, and indicates that the future growth potential of Kingston Town Centre is ‘High’ i.e. is likely to experience strategically significant levels of growth with strong demand and/or large scale retail, leisure or office development (although it is to be noted that this level of growth is indicative.) Policy 2.15 (Town Centres) of the London Plan provides that development proposals in town centres should inter alia support and enhance the competitiveness, quality and diversity of, amongst other things, town centre retail. Paragraph 2.72 of the London Plan directs that a wide range of uses will enhance the vitality and viability of town centre.

62. Core Strategy Policy CS10 (Housing Delivery) states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. New housing should be delivered in the most sustainable locations. Kingston Town Centre is one of the preferred locations for new housing, as are areas with the greatest Public Transport Accessibility Level (PTAL) and areas in need of improvement or renewal, both of which are relevant to the Eden Quarter. The Policy also states that the Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met.

63. Policy CS10 of the Council’s LDF Core Strategy 2012 sets out the Borough’s housing targets as defined by the London Plan. These have increased since the adoption of the Core Strategy and Kingston currently has a target of 643 new residential dwellings per year (London Plan, 2016 (as amended)). This application proposes 40 additional residential units.
The proposal seeks to redevelop a brownfield site in Kingston Town Centre for a mixed use retail and residential scheme, Kingston Town Centre is identified as a Regional Centre. The site falls within the boundary for Proposal Site P2 (South of Clarence Street, Eden Quarter) as defined in the Kingston Town Centre Area Action Plan (KTAAP) 2008.

Policy P1 (Clarence Street North) sets out that the Council will work with land and property owners and developers to secure the comprehensive development and upgrading of this area, including partial redevelopment, to provide high quality mixed use development which should include, among others, residential and retail uses.

For the reasons set out above, the principle of residential led development of this site is considered to be acceptable, subject to compliance with other development plan policies.

**Loss of Office Accommodation**

The proposal would result in a net loss of approximately 400 square metres (sqm) of Office (B1a) space.

Policy CS11 states that with its partners the Council will:

- build on the economic strengths of the Borough by promoting the development of a diverse and flourishing economy and ensuring that and premises are available for both traditional industrial and office based employment activities (B1, B2 and B8 uses); and
- Promote the redevelopment, renewal and modernisation of existing office stock (which may include integrating office space and residential uses into mixed use developments); promote other key employment sectors such as retail, financial and legal services, leisure, culture, health, education, public administration and tourism and ensure that land and premises and appropriate infrastructure are available for these activities also.

Policy DM17 states that the Council will protect all employment land and premises in Kingston town centre to develop its role as a successful, sustainable Metropolitan Centre through the implementation of the Kingston Town Centre Area Action Plan (K+20).

Policy DM17 directs that:

- Mixed use development schemes should not result in a net loss of employment capacity (floor space and/or land) and should not compromise the viability of the site and/or its surroundings for employment purposes.
- Residential use within mixed use schemes will not be appropriate where it would be incompatible with established
employment uses, or prejudicial to the site’s continued operation for employment purposes.

71. Policy DM18 states that the Council will consider applications for new employment development (of an appropriate scale) in designated employment locations favourably.

72. Policy K4 of the AAP states that the Council will promote the town centre as an office and business centre and improve the quality and range of office and business accommodation by encouraging and supporting:

- development proposals that incorporate high specification B1 office space, in a range of unit sizes;
- the redevelopment and improvement of the existing office stock;
- the provision of workshop, studio, exhibition space and offices suited to the needs of the ‘creative industries’ sector.

73. Policy K4 continues by stating that development proposals resulting in a net loss of B1 office floor space will only be acceptable if office floor space is re-provided as part of mixed use development of the site, or the loss of the office floor space is outweighed by the achievement of other K+20 objectives through the proposed development.

74. It is set out in the submission that the existing office space is of a poor quality and that the internal layouts are inefficient. It is further stated that in order to accommodate office accommodation within a scheme, a separate access core would be required which would harm the viability of the 1620sqm ground floor retail unit by reducing an already modest sized active frontage.

75. The applicant further contends that although there would be a loss of 400sqm of Office space, there would be no net loss in the number of job opportunities. It is stated that the number of job opportunities in the existing situation is approximately 65, whereas the proposed retail unit would generate 95 job opportunities. This would represent an increase in job opportunities of 46%.

76. Officers acknowledge the loss of Office accommodation, which is regretful, however the provision of 40 residential units, a much improved retail unit, coupled with the increase in employment capacity, would in Officer’s opinion outweigh this loss.

Retail Use

77. The existing ground level of Gough House provides 540sqm of Class A1 and A2 uses. In contrast the application proposal provides a 1,620sqm retail unit, accommodated at basement and ground floor levels.

78. Policy CS12 of the Core Strategy states that the Council will maintain and enhance the attractive and distinctive character of Kingston Town
Centre and its role as a sustainable Metropolitan Centre through the implementation of the Kingston Town Centre Area Action Plan (K+20)

79. Policy DM20 of the Core Strategy states that the Council will consider applications for new retail development in designated centres favourably in order to meet identified future needs and ensure accessibility by sustainable transport.

80. Policy K1 of the KTAAP sets out that the Council will work with developers to provide additional retail floor space within the town centre through the promotion of new retail development on Proposal Sites P1, P2 and P3 to improve vitality and viability and to meet the needs of retailers and catchment area shoppers to maintain Kingston’s retail role and status as a metropolitan centre and sub-regional shopping centre. Planning permission should be granted for landmark new retail facilities, as part of mixed use development on Proposal Sites P1, P2, and P3.

81. The site specific Policy P2 (South of Clarence Street, Eden Quarter) seeks comprehensive development and upgrading of this area, including partial redevelopment, to provide high quality mixed use development.

82. The proposal site is designated within the K+20 as a strategic development site. The proposal would represent a net increase of retail floor space of 1080sqm in the designated Prime Shopping Area (K+20 KTAAP) which would enhance Kingston’s retail offer, with there being a net increase in floor space in terms of the overall retail capacity, in line with Objective 1 for Eden Walk within the Eden Quarter Development Brief SPD.

Conclusion

83. Although the proposal would result in the net loss of Office space, it would result in a significant increase in employment capacity. The net increase in retail floor space within Kingston town centre would enhance the viability of the site and surrounding area.

84. The proposal would satisfy Objectives 1 and 2 of the K+20 KTAAP to maintain a diverse and sustainable economy, providing for business and employment development needs with a wide range of employment opportunities, and to enhance the quality and range of town centre uses and attractions and provide housing, including affordable housing. The proposal would safeguard and enhance the vitality and viability of the town centre secondary shopping frontage along this part of Eden Street, in accordance with Policy K2 of the K+20 KTAAP. The loss of existing Office Space and its replacement with a mixed use development comprising residential and retail is therefore considered to be acceptable in principle, subject to compliance with Development Plan policies.

Impact on Character of Area
85. The application proposes the comprehensive redevelopment of a brownfield site within the Metropolitan Town Centre.

86. Centres such as Kingston provide the opportunity for the delivery of economic growth and housing in sustainable locations with good access to transport and local services.

87. Gough House is located between two Conservation Areas. To the immediate west lies Kingston Old Town Conservation Area and to the east is the Knights Park / Fairfield Conservation Area. To the west and south of the site are listed buildings. The site is also surrounded by a number of 1960s and 1970s buildings of varying quality which fragments the overall character of the area immediately surrounding the site. The repairing of this fragmented character is one of the key objectives behind the Eden Quarter Development Brief, that being to revitalise and improve this part of Kingston Town Centre.

88. The application proposes an 8-storey building. Figure 8 of the Eden Quarter Development Brief (2015) identifies this site as being suitable for development of 9+ storeys. The ground floor would be principally retail, with the upper floors residential accommodation. The building appearance is largely that of brick, stone and glazing. The applicant has been through a considerable pre-application process.

89. The proposal is in a key development location as set out in the Eden Quarter Development Brief (2015). The present site is a relatively well presented 1920s 2-storey building. However, the intensity of development of the existing building is not appropriate for modern use. The site presents an opportunity for a considerably larger building. The proposal to extend the building’s envelope into the neighbouring car park is considered to be appropriate in this location.

90. K+20 Policy K9 states that ‘the Council will require the highest standard of design in all new development’ particularly requiring the provision of ‘active and attractive frontages to adjoining streets and spaces’ and that proposals should respond to local context, scale and character’ particularly massing and height.

91. Policy 7.4 (Local Character) of the London Plan 2016 states that “development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.”

92. Policy 7.7 of the London Plan 2016 suggests that tall buildings “Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building; & Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; & Incorporate the
highest standards of architecture and materials, including sustainable design and construction practices; Tall buildings should not impact on local or strategic views adversely.

93. Policies CS8 and DM10 of the Council's LDF Core Strategy advise that proposals should relate well to their surroundings and be of a high standard of design to achieve a more attractive, sustainable and accessible environment.

**Height, Massing & Scale**

94. It is considered that the scale of the proposed development is appropriate in this location and conforms to the Eden Quarter Development Brief and Kingston Town Centre Area Action Plan (2008). The scale and massing is generally acceptable in regards to policy and the design has been amended to address the datum of the adjacent ground floors. To the south of Gough House is Neville House (currently 6 storeys in height) which is consented as part of the Eden Walk redevelopment to be 11 storeys.

95. The scheme is proposing a ground plus 7 storeys development with a single retail unit at ground floor and residential accommodation above. The top floors of the scheme would be visible from Clarence Street looking North. The applicant has provided some relief to the massing by dividing the building's appearance into two separate masses. This is appropriate in a town centre location.

**Density**

96. In relation to the density of the development, Policy 3.4 of the London Plan states that in Central Areas (those in or close to a Major/Metropolitan Town Centre) with PTAL ratings of 4-6, an appropriate density equates to 650-1100 hr/ha (or 215-405 u/ha). The proposal would provide approximately 668 hr/ha (or 238 u/ha). The proposal would therefore accord with Policy 3.4 of the London Plan 2016.

**Materials**

97. A contextual analysis has been undertaken as per Policy DM11 of the Council’s Core Strategy. The analysis establishes the appropriateness of brick and stone with reference to the prevailing character of Kingston. The analysis positively informs the composition of the elevations, particularly Eden Street.

98. The proposed facades have a mix of high-quality stone and brick that takes cues from the prevailing materials of Kingston and the immediately adjacent buildings. The north elevation has been detailed to provide some level of visual interest and to ensure that any future development on neighbouring sites is not prejudiced.

99. The ground floor frontage is considered to be acceptable for a town centre location with the proposed residential and commercial entrances appropriately delineated. The proposed design is therefore considered to be acceptable and accord with Policies CS8 and DM10 of the
Council’s LDF Core Strategy (adopted April 2012).

Landscape

100. The Council’s Residential Design SPD has identified poor quality landscape and public realm design of new developments as a key issue. Policy Guidance 5 stipulates:

'In all cases, residential development should be landscape-led, whether planning the landscape of a new project, or looking to improve it in an existing scheme. Landscape design should be considered at the beginning of a project'

101. The applicant has proposed a landscaped area on the podium, to the rear of the development. This area is of considerable size relative to the rest of the development. This has allowed the applicant to use raised planter beds to create a buffer between the useable communal space and the neighbouring urban fabric.

102. The applicant has created a significant buffer to the units that can directly access this communal space, but also provided access points for the residents, which is a positive step that will significantly increase the usage, passive surveillance and sense of the ownership of the area.

103. The Council’s Design Officer concludes that the proposed landscaping details are acceptable in principle and that further details of landscaping should be secured by way of a planning condition.

Conclusion

104. For the reasons set out above, it is considered that the proposed development would relate well to character and appearance of neighbouring development along Eden Street (including the consented Eden Walk redevelopment) and would be of an acceptable appearance such that it would not cause harm to the character or appearance of the surrounding area. The proposed materials would be of a high quality. The proposal would therefore accord with Policies CS8 and DM10 of the Council’s LDF Core Strategy (adopted April 2012).

Impact on Heritage Assets

105. The National Planning Policy Framework (NPPF) states that the appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’ that underpin the planning system.

106. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its
setting or any features of special architectural or historic interest which the building possesses.

107. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) directs that in exercise of its duties the Local Planning must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

108. These statutory duties are to be considered alongside the contents of the NPPF, and accompanying National Planning Practice Guidance (NPPG). Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

109. The NPPF recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. It advises that great weight should be given to the asset's conservation.

110. A key document in assessing the impact on historic assets is ‘Historic England’s The Setting of Heritage Assets’ (Historic Environment Good Practice Advice in Planning: 3 March 2015). The guidance sets out 5 key steps which this document will use to inform the approach for the assessment of the proposed scheme. The five steps are;

1) identifying the heritage assets affected and their settings,
2) assessing whether, how, and to what degree these settings make contribution to the significance of the heritage asset(s),
3) assessing the effect of the proposed development on the significance of the asset(s),
4) maximising enhancement and minimising harm,
5) making and documenting the decision and monitoring outcomes.

111. Section 12 of the NPPF and the NPPG direct that conserving and enhancing the historic environment requires planning permission to be refused if there is substantial harm or total loss to a designated heritage asset (paragraph 133) and goes on to state where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including securing its optimum viable use. Paragraph 135 states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

112. Policy DM10 of the Council’s LDF Core Strategy (adopted April 2012) requires principles of good design, and seeks to preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration.
Policy DM12 sets out that the Council will preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and focus on heritage-led regeneration and that development should respect features of local importance and special interest through the consideration of form, scale, layout, and designs of the area or streetscape.

**Development Context**

114. The application proposes the redevelopment of a brownfield site within Kingston a Metropolitan Town Centre.

115. The application site is bound on two sides by Conservation Areas. To the immediate west lies Kingston Old Town Conservation Area and to the east is the Knights Park / Fairfield Conservation Area. The site is also surrounded by listed buildings.

116. The urban structure of Kingston has developed from an informal medieval market town. The primary urban structure of Kingston incorporates the Anglo Saxon East-west route over the River Thames, through Clarence Street and towards London in the east. From All Saints' all routes travel southwards through the Ancient Market Place and out towards Surrey.

117. The Eden Quarter Development Brief (EQDB) states that one of the characteristics of Kingston is its varied roofscape which creates attractive townscape. New development schemes will be expected to achieve modulated and articulated rooflines to reflect this character.

**Gough House**

118. Gough House was built in 1929. The building is not a listed building or a locally listed Building of Townscape Merit (BTM). In the KTAAP Town Centre Analysis: Built Fabric, Plan 16, Gough House is identified as a building of average quality.

**Designated Heritage Assets**

119. In terms of designated heritage assets, the Grade II listed Head Post Office is situated approximately 160m to the south of the application site. To the west of the site lies the Kingston Old Town Conservation Area with a number of listed buildings within this area. To the south-east of the site lies the Fairfield/ Knight’s Park Conservation Area with the Kingston Public Library, Museum and Art Gallery listed building. With regards to non-designated heritage assets, the site is in proximity to the Castle Street Area of Special Character and a number of locally listed Buildings of Townscape Merit (BTM) along Clarence Street to the north.

120. In assessing the impact of the proposal on designated and non-designated heritage assets, Officers shall consider the development within the existing context and within the context of the Eden Walk...
redevelopment which is considered to be a deliverable site in accordance with footnote 11 of paragraph 47 of the NPPF.

121. The proposal would be 8 storeys in height with the seventh floor being set back from the Eden Street elevation by approximately 1.5m. In terms of the setting of the Grade II listed Head Post Office, the existing built form of Eden Street restricts intervisibility between the two buildings with the curvature of the existing Eden Walk and Neville House restricting views from the Head Post Office to the application site. Gough House would be two storeys greater in height than neighbouring Neville House to the south and the seventh floor would be stepped back from Eden Street. Within this context, it is considered that the proposed development at Gough House would have no impact on the setting of the Grade II listed Head Post Office.

122. With reference to the Kingston Old Town Conservation Area and listed buildings within this area, the proposed development would be situated approximately 50m to the east of the closest boundary of the Conservation Area. Views from the VuCity model show that the only point within the Conservation Area that the development would be visible from would be in the north-west corner of the Market Square where part of the seventh floor of Gough House can be seen. Within the wider context of the Eden Quarter redevelopment, the VuCity model shows that views of Gough House would be subservient in height and appearance. Within the context of the existing situation and the proposed Eden Quarter redevelopment, it is considered that the proposed Gough House development would cause no harm to the setting of the Kingston Old Town Conservation Area or any listed buildings within that area.

123. Fairfield/Knight’s Park Conservation Area is situated approximately 160m to the south-east of the application site. Views of the Gough House proposal would be limited from within the Conservation Area with the Premier Inn and multi-storey car park along Wheatfield Way obstructing views of the site from the northern part of the Conservation Area and the Kingston Library listed building. Views of the proposal would be possible from the southern side of Fairfield Park near Fairfield South road, however, it is considered that these views would have minimal impact on the setting of the Conservation Area within the context of the Premier Inn building. This impact would be further reduced when the Eden Quarter redevelopment is taken into account. It is therefore considered that the proposed development would not cause any harm to the setting of the Fairfield/Knight’s Park Conservation Area or the Kingston Public Library, Museum and Art Gallery listed building.

124. For the reasons set out above it is considered that the proposal would not cause any harm to the setting of Listed Buildings, especially when considered within the context of neighbouring development at both the Primark redevelopment and Eden Quarter redevelopment along Eden Street. The proposal would preserve the character and appearance of the Kingston Old Town and Fairfield/Knight’s Park Conservation Areas and the Head Post Office listed building and
would therefore accord with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). The proposal would cause no harm to designated heritage assets and therefore the tests in paragraph 133 and 134 of the NPPF are not required. The proposal would therefore accord with Policies CS8, DM10 and DM12 of the Council’s LDF Core Strategy (adopted April 2012).

Impact on Non-designated Heritage Assets

125. Paragraph 135 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

126. The site is in proximity to the Castle Street Area of Special Character (LASC) and a number of locally listed Buildings of Townscape Merit (BTM) along Clarence Street to the north. Gough House itself has architectural merit, however it is not listed or locally listed.

127. The proposed development would be visible from the southern-most extent from the Castle Street LASC with 5 storeys visible above neighbouring buildings 59 Eden Street and the HSBC BTM on the corner of Clarence Street and Eden Street. From within the LASC, views of the proposal would be obstructed by the development on the west side of Castle Street. The proposal would be two-storeys greater in height than Neville House to the south of the application site which comprises a key part of the view to the south from Castle Street. Considering the scale of existing development in the surrounding area and with views of Gough House being limited to the southern-most extent of the LASC, it is considered that the proposed development would not cause any significant adverse impact on the Castle Street LASC.

128. In terms of BTMs in the vicinity of the site, the Gough House proposal would have an impact on the setting of those BTMs along Clarence Street with the HSBC BTM on the corner of Clarence Street and Eden Street. The proposal would be 20m to the south-west of the HSBC building. In terms of views from Clarence Street, the top 3-4 storeys would be visible above the BTMs, however, the main view of the proposal and the BTMs would be from the north-east on Clarence Street. While the proposal would be visible, it is considered that this visibility would be minimal when compared to the neighbouring Neville House, Surrey House and No. 3 St James’s Road. The impact of the development would be further reduced if neighbouring development at Eden Quarter were built out.

129. For the reasons set out above, it is considered that the proposal would not have any significant adverse impact on non-designated heritage assets such as the BTMs along Clarence Street and the Castle Street LASC. The proposal would therefore accord with
Policies CS8, DM10 and DM12 of the Council’s LDF Core Strategy (adopted April 2012).

**Viewing Corridors**

130. The proposal would be within a Core Strategy designated viewing corridor from Richmond Park of the Kingston Town Centre. Within the context of the Kingston Skyline, the proposal would be subservient in height to the nearby Premier Inn building and would not block any views of the Guildhall or other key landmarks within the Town Centre. It is therefore considered that the proposal would not obstruct any identified views in the Local Plan and would therefore accord with Policies CS8, DM10 and DM12 of the Council’s LDF Core Strategy (adopted April 2012).

**Richmond Park Grade I**

131. Richmond Park is Grade I Registered and is an important Royal Park. The park itself contains several listed structures including the wall that encloses it. The edge of the park is clearly defined by large, mature planting. As with other Royal Parks, there is a sense of enclosure and demarcation from surrounding urban and suburban areas. However, there are important moments within the park where the undulating topography sets up key vistas across southwest London, including Kingston.

132. From these key views there are sweeping outlooks that take in the entire town centre. There is a strong sense of geographic separation as there is a line of mature planting, low scale Victorian suburbs and then the distinct skyline of Kingston Town Centre. The skyline of Kingston is distinct in the sense the intensification of built form demarcates it as a town centre. The proposed scheme would sit within the existing townscape. Whilst Richmond Park was established by Charles I in the 17th century, it was the Victorians who established public access in 1872. Thus, the public’s experience of the setting has always been a contrast between the urban/suburban areas that surround the park. The view of Kingston and its surrounding low scale built form have a positive effect in this sense.

133. From much of the park the proposed development would not be visible. However, where the scheme is visible it is not deemed to diminish the setting as it is reasonable to have this type of development within the existing townscape of Kingston. The views of the rural hills beyond London are unaffected. In many respects it is an improvement on the setting as the existing built form has little variation and the scheme would provide welcome variation to the existing datum level.

**Hampton Court Palace and Hampton Court Park**

134. Hampton Court Palace is a Grade I Listed Royal Palace. It is an exceptional example of Tudor architecture and one of only two
surviving of King Henry VIII’s palaces. It is a major tourist attraction. The estate, landscape and gardens of the palace are a unique, historical and horticultural resource of international value. The park covers 750 acres (304 hectares), the formal gardens 60 acres (26 hectares) and the palace buildings 6 acres (2.5 hectares). The Palace and Park back onto the Thames opposite the Royal Borough of Kingston’s boundary. The palace itself sits southwest of Kingston Town Centre.

135. In terms of views from Hampton Court, the proposed development would be partially visible from within the grounds of Hampton Court. However, the proposal would not obstruct the view from Hampton Court to the All Saints Church and would be subservient in height to existing development within the Town Centre such as the Premier Inn Building. The visibility of the proposal would be further reduced within the context of the Eden Quarter redevelopment.

136. The important views from Hampton Court Park’s Long Water, North Canal Gate, The Queen’s Apartments and east park entrance are not impeded by the proposed scheme. Therefore, the proposal is considered to have no detrimental effect on the setting of these historic assets.

137. The view from Long Water east and the Old Ice House does show the development in the background, but is masked/softened by the existing formal landscape and vegetation in the foreground as well as the existing built form of Kingston Town Centre. Other key views that form the total of the setting are unaffected.

Archaeology

138. Paragraph 128 of the NPPF states that in determining applications, 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.

139. The site lies within an Area of Archaeological Significance. The applicant has submitted an Archaeological Desk Based Assessment. The Historic England Greater London Archaeological Advisory Service (GLAAS) have reviewed the application and desk based assessment. GLAAS have stated that there is potential for medieval remains and evidence of 14th century pottery production on site. GLAAS recommend that the proposed development, especially the basement aspect of it, has the potential to cause significant harm to heritage assets of archaeological interest. However, GLAAS have advised that if the Borough is minded to grant consent without further archaeological investigation, then a pre-commencement planning condition requiring a Written Scheme of Investigation to be submitted prior to any demolition or development taking place could mitigate any potential adverse impact on archaeological assets.
140. The main area of archaeological interest is situated in the car park towards the rear of the site. It is considered unreasonable at this point in time to require further intrusive investigation prior to the determination of the application due to the costs and inconvenience that this would incur. It is therefore considered that this aspect of the development could be secured by way of a pre-commencement planning condition to ensure no harm to matters of archaeological interest. The proposal would therefore accord with Policy DM12 of the Council’s LDF Core Strategy (adopted April 2012), subject to pre-commencement planning conditions.

**Housing Mix**

141. Policy 3.8 (Housing Choice) of the London Plan states that taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors, including the private rented sector, in meeting these ensure that new developments offer a range of housing choices.

142. Policy DM13 requires all new major development to be delivered to a high quality and the most appropriate type including housing mix; Adequate internal space standards; Lifetime home and appropriate amenity space standards.

143. The development provides 40 units of the following sizes

<table>
<thead>
<tr>
<th>Unit Mix</th>
<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>14</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Percentage of total (%)</td>
<td>35</td>
<td>50</td>
<td>15</td>
</tr>
</tbody>
</table>

144. The application would not provide the minimum 30% family dwellings (3 bedroom or more) required by Policy DM13. The applicant refers to the redevelopment of the Eden Walk site which provided 11% 3 bedroom units, arguing that that site had greater opportunity to deliver family accommodation than the application site. The applicant has also provided a letter from local agents (Letter from CBRE dated 17th July 2017) which concludes that the cost of the family three bedroom units within the town centre would be greater than the cost of a more appropriate and practical home, with a garden and car parking, than elsewhere in the Borough. The applicant concludes that the demand for 3 bedroom units from family end users is likely to be low in this location.

145. Considering the town centre location of the site and the evidence submitted by the applicant, the lack of 3 bed unit provision is
considered to be acceptable in this instance. The mix of 1 and 2 bedroom units is considered to be acceptable also. It is therefore considered that the proposal would accord with Policy 3.8 (Housing Choice) of the London Plan 2016 and Policy DM13 of the Council’s LDF Core Strategy (adopted April 2012).

**Standard of Accommodation**

146. Policy 3.5 (Quality and Design of Housing Developments) of the London Plan sets out minimum space standards for new dwellings with the Mayor of London’s Housing SPG (March 2016) providing additional guidance in terms of quality and design. Standard 26 of the Mayor’s Housing SPG 2016, and PG13 of the Residential Design SPD set out minimum requirements for private outdoor amenity space for proposed dwellings.

147. Policy DM10 of the LDF Core Strategy 2012 seeks to safeguard residential amenity with regards to privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance. Policy DM10 also states that development proposals should ensure adequate private amenity space and have regards to the amenities of occupants.

148. In terms of Gross Internal Area (GIA), Table 3.3 of the Housing Standards Minor Alterations to the London Plan March 2016 (MALP) sets out minimum space standards for new dwellings. The proposed dwellings would accord with the minimum GIA with a number of units exceeding this figure. The majority of the dwellings operate with a dual aspect which would be beneficial in providing a good standard of accommodation.

149. With reference to private amenity space, Policy Guidance (PG) 13 (Private Amenity Space) of the Council’s Residential Design SPD sets out that new flats shall be provided with a minimum of 10sqm amenity space per dwelling with an additional 1sqm per additional occupant. PG14 (Communal Amenity Space) sets out that 50sqm of communal amenity space shall be provided for all new flat development schemes. Where less than 10sqm private amenity space is provided per flat, the shortfall in provision should be added to communal amenity space.

150. All of the proposed flats have some level of private amenity space in the form of balconies, although many of these do not meet the 10sqm standard. The total shortfall to be provided in the communal amenity space area is 62.2sqm. The minimum communal amenity space is therefore 112.2sqm. The proposal provides 479sqm of communal amenity space at the first floor podium level which would exceed the minimum requirements as set out in the Council’s Residential Design SPD.

151. Defensible space would be provided in accordance with PG19 of the Residential Design SPD with a 2m or greater buffer between the back of a footway or communal space and the habitable room window.
For the reasons set out above, it is considered that the proposed units would be of a good standard of accommodation with the proposal providing communal amenity space far above the minimum requirements. Further details of landscaping for the proposed communal amenity space could be secured by planning condition. It is therefore considered that the proposal would accord with Policy 3.5 of the London Plan, Policy DM10 of the Council’s LDF Core Strategy (adopted April 2012), and the Council’s Residential Design SPD.

**Affordable Housing**

153. On sites of 11 units or more, taking into account the Written Ministerial Statement 2015, Policy DM15 would normally require 50% of the units to be provided as affordable housing, subject to viability considerations. Proposals departing from these requirements will be expected to justify any lower provision through the submission of a financial appraisal. The Council would expect this provision on site. Where it can be justified that this is not viable or practical, and provision cannot be made on an alternative site, then the Council may accept a contribution or commuted sum.

154. The application does not include for any affordable housing on site, or payment in lieu of affordable housing. The accompanying viability appraisal shows that the development would result in a negative residual land value even with a profit on GDV of 17.5%.

155. Given that the calculations are being made well in advance of commencement of the development, the figures used in the applicant's appraisal can only be recognised as a projection. As such, it is essential that all assumptions are carefully scrutinised by the Council to ensure that they reflect current market conditions and have not been unreasonably depressed in respect of the value or overestimated in respect of the development costs.

156. The application is supported by a Viability Appraisal, this has been independently assessed by an appropriate professional, which concludes that there is a significant viability deficit and the proposed development is unable to viably support any on-site affordable housing or payment in lieu of affordable housing.

157. Given the findings of the Viability Appraisal, in these special circumstances the lack of affordable housing is considered justifiable, and it is considered that it would be difficult to justify refusal on this ground as the development would not be able to viably sustain a contribution towards affordable housing.

158. Notwithstanding the above it is considered wholly reasonable to review the FVA during the construction of the development to ascertain whether the proposal could make a contribution to affordable housing when some of the assumptions put into the appraisal become known.

**Flood Risk and Surface Water Drainage**

159. Development proposals must comply with the flood risk assessment and management guidance set out within the NPPF (Paragraphs 100-104), London Plan (Policy 5.12), Core Strategy (Policy DM4) and K+20 (Policy K24). The National Planning Practice Guidance amplifies the national guidance as set out in the NPPF.
160. The Site is shown on the Environment Agency (EA) detailed Flood Zone map as lying within fluvial Flood Zones 1 (low probability) and 2 (Medium Probability). The flood risk is fluvial and arises from the Hogsmill watercourse. The Site is also within the floodplain of the River Thames; however the Hogsmill is the dominant flood risk.

161. The River Thames is located approximately 420m east of the site flowing north. The Hogsmill River is located 340m to the south of the site and flows to the west and outfalls into the River Thames.

162. The proposed development would comprise of retail floorspace at the ground floor, seven storeys of residential accommodation above and basement development which would accommodate ancillary storage for the retail unit, plant rooms, waste and recycling storage as well as cycle parking spaces for the residential units.

163. As per Table 2: Flood Risk Vulnerability Classification of the NPPG, buildings used as dwellinghouses are classified as more vulnerable while buildings used for shops are classified as less vulnerable. As the basement will not be used for residential accommodation and would primarily service the proposed retail unit, the proposed basement is considered to be less vulnerable.

164. Table 3: Flood Risk Vulnerability Classification sets out that ‘More Vulnerable’ and ‘Less Vulnerable’ development is considered to be appropriate within Flood Zones 1 and 2. Therefore the ‘Exception Test’ is not required. In terms of the ‘Sequential Test’, given the brownfield status of the site located in a highly sustainable location, and the opportunity to secure other sustainability benefits through the redevelopment, Officers consider that the Sequential Test is passed.

165. Surface water is proposed to be attenuated through a rain water attenuation tank and blue roof/permeable paving with surface water sewer being used also.

166. The Environment Agency have reviewed the submitted information and have raised no objection to the proposed development. They state that the previous uses at the site are not identified as likely to have posed any contaminative risk and the Flood Risk Assessment (FRA) states that surface water is to be disposed of via the main sewer.

167. The Council’s Flood Risk Officer, in his capacity as the Lead Local Flood Authority, has reviewed the submitted details and has raised concerns about surface water runoff rates. Surface water runoff rates should be minimised to no more than 2.7 l/s where possible through the use of at least blue roofs and an attenuation tank, in accordance with the most up to date guidance. The applicant currently proposes that runoff would be 5 l/s. However, the Flood Risk Officer is satisfied that final detailed drainage designs could be secured by way of a pre-commencement planning condition to prevent surface water flood risk to and from the site.
168. For the reasons set out above, it is considered that the proposed development would accord with the NPPF, Policy 5.2 of the London Plan March 2016 (consolidated with alterations since 2011), Policy DM4 of the Council’s Core Strategy (adopted April 2012) and Policy K24 of the K+20 Kingston Town Centre Area Action Plan (adopted July 2008).

Impact on Neighbouring Amenity

169. Paragraph 17 of the NPPF directs that one of the core principles of the Planning System is to ensure that planning decisions always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

170. Policy DM10 (Design Requirements for New Developments) advises that development must have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

171. The nearby surrounding area is predominantly commercial in nature with a small number of residential units located above the retail units on Clarence Street and to the east of the site behind the Primark development site. Going forward this section of Eden Street will increasingly become a mixed residential/commercial area given the comprehensive redevelopment of both the Eden Walk shopping centre and the Old Post Office site, of particular note is the redevelopment of Eden Walk which will introduce residential accommodation directly to the south of the application site.

172. As part of the application a Daylight & Sunlight Study has been submitted. This study demonstrates that the proposal would not have a noticeable impact on the existing dwelling at 40c Clarence Street in terms of daylight and sunlight. With regards to the consented scheme, Neville House, the proposal shows an effect to a number of rooms which already experience levels of Average Daylight Factor (ADF) below the suggested targets in what would be their existing outlook. However, these impacts are driven by the self-limiting design of the overhanging balconies.

173. In terms of noise the proposed development would not increase noise such as to disturb / devalue the amenity value of existing or future occupants or neighbouring land or buildings, nor would the introduction of residential in this location prejudice the operational of any existing neighbouring businesses.

174. With regards to overlooking / loss of amenity, whilst there would be some intervisibility between the properties of the proposed development and the properties associated with the Neville House development, the distance separating the units is not uncommon in a built up urban area such as this. This would be the same for the
intervisibility between the proposed development and the accommodation above Clarence Street (No 40).

Highways and Parking

175. Policy DM 9 (Managing Vehicle Use for New Development) of the Core Strategy seeks to prevent new development from contributing to congestion or compromising highway safety. New development must comply with car parking standards and implement car parking management schemes. The Council will also seek to restrict eligibility for on-street parking permits for residents of new development located in controlled parking zones.

176. The application does not propose any parking spaces for the proposed residential units. However, given the maximum PTAL rating of the site (6), and the fact that it is located within, and surrounded by, numerous Controlled Parking Zones, it is eligible to be car free. The applicant has agreed to enter a car capping legal agreement to secure this. Subject to this, no harm would be caused in terms of parking pressure or highway safety.

177. With regards to servicing and access to the Eden Walk shopping development, subject to the imposition of suitable planning conditions, the Council's Neighbourhood Engineer has not objected.

178. The proposed development would necessitate (London Plan) 66 cycle parking spaces to serve the residential element of the proposal and 10 long stay and 20 short stay cycle parking for the retail. The residential cycle parking would be accommodate in the Basement of the proposal and the retail cycle parking would be secured of site by way of a financial contribution.

Sustainability

179. Policies 5.1 & 5.2 of the London Plan (2016) seek to achieve an overall reduction in London's carbon dioxide emissions through a range of measures including using less energy, supplying energy efficiently and using renewable energy, and improving on Building Regulations targets including zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019 for major development proposals. The policy advises that where it is demonstrated that specific targets cannot be achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough. Relevant Core Strategy Policies include Policies DM1, DM2 and DM3 and Policy CS1 (Climate Change Mitigation) states that the Council will ensure that all development is designed and built to make the most efficient use of resources, reduce its lifecycle impact on the environment and contribute to climate change mitigation and adaption.
180. The submitted energy statement for this development demonstrates that a series of energy efficiency and best practice measures would been adopted in order to meet the London Plan and Royal Borough of Kingston-Upon Thames requirements. Cumulative on site CO2 savings of 36% are predicated.

181. The level of CO2 reduction for the residential element falls short of the policy requirement to be zero carbon. As it has been demonstrated why the zero carbon target cannot be met, the remaining regulated carbon dioxide emission, to 100 per cent, is to be off-set through cash in lieu contribution.

Legal Agreements

182. In the event of an approval, the application would be subject to a legal agreement covering the following provisions:

(a) A requirement to preclude residents from applying for on street residents parking permits and for permits to park in Council-owned car parks in the area.
(b) A requirement to inform potential buyers/tenants of the above exclusion and to publicise the lack of parking provision in sales brochures.
(c) A contribution of £10,000 is required for improvements to the footway adjacent the development.
(d) A total of 10 Sheffield Stands would be required for the 20 cycle spaces at a cost of £2000. To provide and install each Sheffield Stand is £200.
(e) Traffic Management Order £15,000
(f) Carbon off-setting contribution
(g) Financial Viability Review
(h) The submission of a building management plan to ensure that the lease agreement with tenants includes appropriate restrictions on the use of the balconies to ensure that no satellite dishes, awnings or other fixtures and fittings are installed on the balconies, and no use of the balconies for the storage of items including cycles, umbrellas, etc (for both rental and purchase agreements);

Planning Balance / Conclusion

183. The proposed development would deliver 40 residential units in a highly sustainable part of the borough, in addition to providing a net increase in both retailing capacity in the town center along with an increase in employment generating capacity. These are benefits which carry significant weight in favour of the proposal. With regards to disbenefits, the proposed development would result in the loss of B1a Office accommodation, this would weigh against the proposal. However, in line with Policy K4 of the Kingston Town AAP, this loss can be outweighed if the proposal meets other objectives of the AAP. For the reasons cited above, the proposed development would indeed met the wider objectives of the AAP and such, subject to the impositions of suitable planning conditions, and subject to the application entering into a suitable legal
agreement, the proposed development would be in accordance with the Development Plan.

Recommendation:

Approve subject to the receipt of a legal agreement AND the following conditions:

1. The development hereby permitted shall be commenced within 3 years from the date of this decision.

   Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   - 112586 FRA - Level 2 - v2 Received 29/12/2016
   - 161114 Podium Garden Sketch Layout Received 29/12/2016
   - 2016-12-21 PB4647 Gough House Transport Statement Received 29/12/2016
   - 95-155 P101 Block plan 1.500 Received 29/12/2016
   - 95-155P100 Site plan 1.1250 Received 29/12/2016
   - BREEAM-UK-NC-2014-Pre_Assessment-Estimator-v4.2-Gough House Retail - shell Received 29/12/2016
   - Design & Access Statement Part 1, rev Received 16/10/2017
   - Design & Access Statement Part 2 of 2 Received 07/07/2017
   - Drainage Assessment Form Received 20/04/2017
   - Dwg No 95-155/P.104 Proposed Basement Plan Received 07/07/2017
   - Dwg No 95-155/P.105 Proposed Ground Floor Plan Received 07/07/2017
   - Dwg No 95-155/P.106 Proposed First Floor Plan Received 07/07/2017
   - Dwg No 95-155/P.107 Proposed Second Floor Plan Received 07/07/2017
   - Dwg No 95-155/P.108 Proposed 3rd to 6th Floor Plans Received 07/07/2017
   - Dwg No 95-155/P.109 Proposed 7th Floor Plan Received 07/07/2017
   - Dwg No 95-155/P.110 Proposed Roof Plan Received 07/07/2017
   - Dwg No 95-155/P.111 Proposed East Elevation Received 07/07/2017
   - Dwg No 95-155/P.112 Proposed South Elevation Received 07/07/2017
   - Dwg No 95-155/P.113 Proposed West Elevation Received 07/07/2017
Notwithstanding the details of facing and fenestration materials shown on the approved drawings, details of all facing and fenestration materials for the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details to be submitted shall include manufacturer’s specifications and samples. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: These details are required prior to the commencement of development to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Prior to the commencement of the development hereby permitted (excluding demolition) and notwithstanding the details shown on the approved plans stated in Condition 2 of this permission, the following details shall have been submitted in writing (on plans at a scale of no less than 1:10) and approved by the Local Planning Authority.

- Window reveals, door reveals, overhangs, rainwater goods, balconies.

The development shall be carried out in accordance with the approved details.

Reason: It is necessary to provide these details prior to commencement as it is integral to the design and appearance of the
building and therefore agreement of these details prior to
commencement would ensure a satisfactory appearance on
completion of the development in accordance with Policy DM10
(Design Requirements for New Developments including House
Extensions) of the LDF Core Strategy Adopted April 2012.

5 Prior to the commencement of above ground works, details of the
architectural articulation on the north elevation of the development
hereby approved shall be submitted to and approved in writing by
the Local Planning Authority.

Reason: To ensure a satisfactory appearance on completion of the
development in accordance with Policy DM10 (Design
Requirements for New Developments including House Extensions)
of the LDF Core Strategy Adopted April 2012.

6 The roof of the development hereby approved, as shown on Dwg No
95-155/P.110 Proposed Roof Plan, shall not be converted or used
as a balcony or a sitting out area, and no access shall be gained
except for maintenance purposes.

Reason: To protect the amenities and privacy of the adjoining
residential properties in accordance with Policy DM10 (Design
Requirements for New Developments including House Extensions)
of the LDF Core Strategy Adopted April 2012.

7 No development shall commence until a landscaping scheme
including where applicable the retention of the existing trees shall
have been submitted to and approved in writing by the Local
Planning Authority. The approved scheme shall be implemented
within the first planting season following substantial completion of
the development and the tree planting and landscaping shall
thereafter be maintained for five years to the satisfaction of the Local
Planning Authority. Any trees or shrubs which die during this period
shall be replaced in the first available planting season, and the area
shown to be landscaped shall be permanently retained for that
purpose only.

Reason: In the interests of visual amenity and also that the Local
Planning Authority shall be satisfied as to the details of the
development in accordance with Policy DM10 (Design
Requirements for New Developments including House Extensions)
of the LDF Core Strategy Adopted April 2012.

8 All planting, seeding or turfing detailed in the approved landscape
scheme shall be carried out in the first planting and seeding seasons
following the occupation of the buildings or the completion of the
development, whichever is the sooner; and any trees or plants
which, within a period of 5 years from the completion of the
development die, are removed or become seriously damaged or
diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

9 Prior to the occupation of the dwellings hereby permitted, details of the height, material and location of fences, walls or other means of enclosure serving the development shall be submitted to and approved in writing by the local planning authority. They shall thereafter be retained as approved.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

10 No flues or pipework shall be fixed to the elevations other than those shown on the drawings hereby approved or in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

11 The open area around the building hereby approved shall be permanently retained as amenity space for the occupiers of that building and shall not be used for any other purposes.

Reason: To ensure the retention of amenity space and to safeguard the amenities of adjoining occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

12 No fans, louvres, ducts, external lighting or other external plant other than those shown on the drawings hereby approved shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties and the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the walls of the building hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

14 Prior to commencement of works (excluding site investigations and demolition), the applicant must submit to the Local Planning Authority for review and approval in writing the final detailed drainage designs (including drawings, detailed runoff and storage calculations and an updated Drainage Assessment Form) which demonstrate the surface water drainage and flood risk management proposals for the site in line with the Sustainable Drainage (SuDS) principles, including the minimisation of runoff rates to no more than 2.7 l/s where possible, through the use of at least blue roofs and an attenuation tank. An associated detailed maintenance plan for each drainage feature component proposed shall also be submitted and shall include all routine maintenance tasks (including frequencies) and confirmation of the body/bodies responsible for undertaking the maintenance. Thames Water approval for connection to their existing surface water sewer shall also be submitted.

Reason: To prevent the risk of flooding to and from the site in accordance with Policy 5.13 of the London Plan 2016 (amended with alterations since 2011), its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems, and Policy DM4 of the Council’s LDF Core Strategy (adopted April 2012).

15 Prior to the occupation of the development hereby approved, the applicant shall submit for review and approval in writing by the Local Planning Authority evidence that the drainage system (approved as part of Condition 14) has been built as per the final detailed drainage designs through the submission of photographs and copies of installation contracts, and written confirmation that the drainage features will be managed as per the detailed maintenance plan for the lifetime of the development.

Reason: To ensure that the methods to mitigate the risk of surface water flooding have been constructed as agreed and that the drainage system is suitably managed in accordance with Policy DM4 of the Council’s LDF Core Strategy (adopted April 2012).
Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations.

Reason: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction.

The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity. (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

The 10 cycle parking spaces for staff of the commercial parts of the scheme shall be fully implemented in accordance with the approved details and be available for use on occupation of the relevant part of the development to which the facilities serve.

Reason: To ensure the development provides suitable and usable locations for sustainable travel in accordance with Policy DM9 Managing Vehicle Use for New Developments of the LDF Core Strategy Adopted April 2012.

The development hereby permitted shall not be commenced until details of the 66 secure cycle parking spaces for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory cycle storage facilities and in the interests of highway safety in accordance with Policy DM8 (Sustainable Transport for New Developments) of the LDF Core Strategy Adopted April 2012.

20 Servicing vehicles for the retail unit shall be no larger than 11m unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure the development does not prejudice highway safety or lead to congestion on the public highway or the access road serving development at Eden Quarter in accordance with Policies DM9 and DM10 of the Council's LDF Core Strategy (adopted April 2012).

21 The development shall not be occupied until details of the loading bay to the rear of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted details shall include details of external electric hook up points. The loading bay shall thereafter be retained and made available for use in accordance with the approved details. Reason: To ensure the development does not prejudice highway safety or lead to congestion on the public highway or the access road serving development at Eden Quarter in accordance with Policies DM9 and DM10 of the Council's LDF Core Strategy (adopted April 2012).

22 Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police SW Designing Out Crime Office, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities in accordance with Policy 7.3 (Designing out Crime) of the London Plan 2016 (amended with alterations since 2011) and Policy DM10 of the Council's LDF Core Strategy (adopted April 2012).

23 The servicing and manoeuvring areas shown on the approved drawing shall be provided with a hard, bound, dust-free surface, adequately drained before the development is occupied for the purpose hereby permitted. The respective areas shall be kept free from obstruction at all times, and shall not thereafter be used for any other purposes other than those shown on the approved drawing.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on
adjoining highways and that adequate parking servicing and manoeuvring provision is made in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

24 The levels of buildings, roads, parking areas and pathways within the site shall only be in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: To ensure that the appearance and functioning of the development is satisfactory and to safeguard the amenities of adjoining occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012 and comply with Supplementary Planning Document ‘Access for All’ (July 2005).

25 A Green Travel Plan, containing a package of measures for reducing the number of vehicle trips to the site by staff, visitors and residents shall be implemented upon the development being brought into first use, and in accordance with details to be submitted to, and approved by the Local Planning Authority prior to the commencement of development. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.

Reason: To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.

26 Refuse storage facilities and recycling facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, such facilities to be permanently retained at the site.

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

27 Finalised details of the waste management, including details of management arrangements to move the refuse and recycling
enclosures to ground floor level and appropriate ground floor holding facilities, shall be submitted to and approved in writing by the local planning authority 6 months prior to anticipated first occupation of the first residential unit. The development shall be carried out in accordance with the approved details. 

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012

28 Written notification of the intended start of works on site shall be given to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

Reason: In order that the Local Planning Authority may be given the opportunity of monitoring the progress of works on site and to ensure the preservation of the special interest of the building affected by the works hereby approved

29 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition (other than down to the top of the existing ground floor slab) or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 Written Scheme of Investigation.

Reason: This information is required prior to the commencement of demolition and development in order to identify, protect and preserve heritage assets in accordance with Policy 7.8 (Heritage Assets and Archaeology) and of the London Plan 2016 (amended with alterations since 2011) and Policy DM12 of the Council's LDF Core
30 Prior to commencement of any development on site, a Construction Management Plan shall be submitted to the planning authority for written agreement. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period. The Construction Management Plan shall outline measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development.

Reason: In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

31 All works on site shall take place in accordance with the following details which shall have previously been submitted to and approved in writing by the Local Planning Authority prior to the commencement of work:

(a) Provision for loading/unloading materials.
(b) Storage of plant, materials and operatives vehicles.
(c) Temporary site access.
(d) Signing system for works traffic.
(e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works.
(f) Location of all ancillary site buildings.
(g) Measures to protect any tree, shrubbery and other landscape features to be retained on the site during the course of development.
(h) Means of enclosure of the site.
(i) Wheel washing equipment.
(j) The parking of vehicles of the site operatives and visitors
(k) The erection and maintenance of security hoarding.
(l) A scheme for recycling/disposing of waste resulting from demolition and construction works (Major Applications).

Reason: In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

32 If during implementation of this development, contamination is
encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

Reason: To prevent harm to human health and pollution of the environment in accordance with Policy DM10 of the Council's LDF Core Strategy (adopted April 2012).

33 Before any piling takes place a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method.

The piling method statement shall detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration and a plan showing where the piles are to be installed. There are a number of different piling methods suitable for different circumstances. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration and the Council positively encourages the use of hydraulic, auger and diaphragm wall piling methods. Where complaints of noise and vibration are received it is expected that the contractor will undertake noise and vibration monitoring, with data reported back to the Environmental Health Service.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012

34 No construction of any residential unit hereby permitted shall begin until details of the wheelchair housing specification/standards have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the wheelchair housing occupants in order to comply with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012, Policy 7.2 (An Inclusive Environment) of the London Plan July 2011 and comply with Supplementary Planning Document ‘Access for All’ (July 2005).

35 The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.
Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

36 Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed between the ground floor commercial unit and the first floor flats. The scheme shall be designed to provide at least D NTw +C tr 60dB. Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to the development being occupied and retained thereafter.

Reason: This is required prior to the commencement of development to protect the amenities of the owner/occupiers of the dwellings hereby approved in accordance with the Policy DM10 of the Council's LDF Core Strategy (adopted April 2012).

37 Prior to the occupation of the dwellings hereby approved, a scheme of noise insulation/reduction shall be submitted to ensure that the noise level of 35 dBL Aeq,16 hour in living rooms and bedrooms during the daytime (0700 to 2300 hours) and 30 dBL Aeq, 8 hour and 45 dBL Amax during the night time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Where these levels cannot be met with windows open, appropriate acoustic ventilation should be provided so that the room can be sufficiently ventilated. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given above are not compromised.

Reason: This information is required prior to the occupation of the dwellings hereby approved to ensure a good standard of amenity for owner/occupiers of the proposed dwellings in accordance with Policy DM10 of the Council's LDF Core Strategy (adopted April 2012).

38 The rating level of the noise determined by the cumulative sound emissions of the plant hereby permitted shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential facade. Measurements and assessment shall be made according to British Standard .4142:2014.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
Prior to the occupation of the development hereby approved, details of mechanical ventilation and air filtration systems for all apartments along the Eden Street facing façade at the first-floor level (as shown on Drawing No. 95-155/P.106, Rev A, First Floor Plan as Proposed) shall be implemented so that the future occupants are not reliant solely on opening windows in order to ventilate their property. The details to be submitted shall include details of the ongoing maintenance and cleaning of the mechanical ventilation and air filtration systems. The mechanical ventilation and air filtration systems shall be implemented as approved and thereafter retained as such.

Reason: To ensure that the owner/occupiers of the first floor Eden Street facing dwellings are not exposed to harmful levels of NO2 in accordance with Policy 7.14 (Improving Air Quality) of the London Plan 2016 (amended with alterations since 2011) and Policy DM10 of the Council’s LDF Core Strategy (adopted April 2012).

No raw materials, finished or unfinished products, crates, packing materials or parts thereof or waste or any other materials shall be stacked or stored on the site except within the buildings or storage areas hereby approved or such other areas as shall have been approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

The development hereby permitted shall not be commenced until a Waste Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation the approved Waste Management Strategy shall be fully implemented and thereafter maintained for the lifetime of the development.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to protect the character and appearance of the area and the amenities of the future occupants of the development and the occupants of the nearby residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

The ground floor retail unit shall retain an active ground floor window frontage to Eden Street without the installation of window vinyls, graphics, shuttering or any other form of design that prevents views into and out of the shop in accordance with a scheme that shall have been agreed in writing with the Local Planning Authority ahead of the first occupation of the retail unit. The retail unit’s fenestration shall be retained as agreed.
Reason: In the interests of visual amenity and to ensure some natural surveillance of the wider streetscene in accordance with Policies CS8 and DM10 of the Council’s LDF Core Strategy (adopted April 2012).

43 The A1 unit shall not be used for the purposes hereby permitted before 7am; or after midnight; Monday to Saturday or before 8am or after 11.30pm on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

44 Notwithstanding the provisions of section 55 of the Town and Country Planning Act 1990 or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any succeeding legislation, the ground floor/basement A1 retail unit shall be used only as retail unit; and no other use within A1.

Reason: To protect the character and amenity of the surrounding area and accord with Policy DM10 of the Council's adopted LDF Core Strategy April 2012.

45 The ground floor/basement retail premises shall be used only as a retail unit and for no other use within Class A1; of the Town and Country Planning (Use Classes) Order 1987, or succeeding legislation.

Reason: In order to protect the character and amenity of the surrounding area and accord with Policy DM10 of the Council's adopted LDF Core Strategy April 2012.

46 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (as amended) or any succeeding legislation, for a period of 5 years following the beneficial occupation of the retail unit hereby approved, the retail unit shall not be subdivided.

Reason: To accord with the submitted Viability Assessment for the site and to ensure the optimum use of land within the town centre in accordance with Policy DM17 of the Council’s LDF Core Strategy (adopted April 2012).

47 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning
(General Permitted Development) (England) Order 2015 or any succeeding legislation, the unit hereby approved shall be retained as an A1 retail unit and for no other use unless otherwise agreed in writing by the Local Planning Authority.


48 Within 3 months of first occupation, evidence must be submitted to the council confirming that the development hereby approved has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the “Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 35% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/ day must be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that these targets are not feasible.

Reason: In the interests of sustainability and energy conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (July 2011) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

INFORMATIVE(S)

1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form or our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council’s Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
   • carry out work to an existing party wall;
   • build on the boundary with a neighbouring property;
   • in some circumstances, carry out groundwork’s within 6 metres of an adjoining building.
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in “The Party Walls etc. Act 1996 - Explanatory Booklet”.

5 Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]
Ward: Grove
Description of Proposal: Partial demolition of 11-13 Thames Street (with the retention of the Listed facade) and construction of a five storey attached building to provide retail (A1) at ground floor level and 26 residential units comprising 10 x 2 bed and 16 x 1 residential units (C3) above.

Plan Type: Full Application
Expiry Date: 09/05/2017

**Applicant's Plan Nos:**

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EXECUTIVE SUMMARY

The Application proposes the partial demolition of 11-13 Thames Street and the erection of a five storey attached building with retail (A1) at ground floor level and 26 residential units/flats above (16 x 1 bed, 10 x 2 bed).

Four objections have been received from neighbouring addresses. One objection has been received from Kingston Upon Thames Society. No other objections have been received from internal or external consultees.

The proposed development would have a density of 430 u/ha (968hr/ha)

The key planning considerations in this application are:

- Impact on character and setting of Listed Building and Conservation area.
- Quality and Mix of Proposed Accommodation
- Impact on amenities of Surrounding Residents
- Affordable Housing

BASIC INFORMATION

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (web based resource)

Development Plan: Mayor for London
London Plan March 2016 (consolidated with alterations since 2011)
LDFO Core Strategy Adopted April 2012
Kingston Town Centre AAP 2008

Policies

LONDON PLAN 2016
LP 3.3 Increasing housing supply
LP 3.4 Optimising housing potential
LP 3.5 Quality and design of housing developments
LP 6.13 Parking
LP 6.9 Cycling
LP 7.4 Local character
LP 7.8 Heritage assets and archaeology

LDFO CORE STRATEGY DEVELOPMENT MANAGEMENT
DM04 Water Management and Flood Risk
DM08 Sustainable Transport for new Developments
DM09 Managing Vehicle Use for New Development
DM10 Design Requirements for New Developments
DM11 Design Approach
Previous Relevant History

17/12089/LBC  Partial demolition of 11-13 Thames Street with retention of the Listed facade and reconstruction of a five storey building with retail (A1) at ground floor level and 26 residential units (C3) above  In Progress (Linked to this application)

20650  Construct New shop unit with storage & staff facilities  Conditional permission 22/12/1978

24416  Erection of 3 storey extension  Approve 09/06/1981

Consultations

1. Neighbour notification: 215 local addresses have been notified. Written objections have been received from 4 local addresses. These raise the following (summarised) planning related concerns:

- The proposed development could potentially interrupt the protected view between Hampton Court Palace and All Saints Church
- The proposed development would not respect the character and appearance of the site and the surrounding area.
- The proposed development would not provide any affordable housing.
- The proposed development would increase parking pressures/congestion within the local area.
- The proposed development would harm the amenities of surrounding residents in terms of loss of light, loss of outlook and loss of privacy.

2. A number of non-planning related concerns were also raised, including:

- The proposed development would harm trade to surrounding businesses during construction
- The proposed development would disrupt servicing and refuse arrangements during construction
3. **RBK Neighbourhood Traffic Engineer**: No objections subject to applicant signing up to a legal agreement to car-cap the development, and additional suggested planning conditions.

4. **Kingston Town Conservation Areas Advisory Committee (CAAC)**: Support the proposal

5. **Historic England**: No objections

6. **Historic England (GLAAS)**: No objection subject to conditions requiring desk based archaeological assessments (and further evaluations if required).

7. **Kingston Upon Thames Archaeological Society (KUTAS)**: No objection subject to condition requiring desk based archaeological assessment.

8. **Environment Agency**: No objections subject to conditions securing adequate heights for finished floor levels to the developments

9. **Thames Water**: No objections

10. **Kingston Upon Thames Society**: No objections

11. **RBK Urban Design Officer**: No objections subject to conditions.

12. **RBK Conservation Officer**: No objections subject to conditions securing additional samples/specifications of external materials/finishes, and additional plans/details of the facades and key intersections with the Listed Building frontage.

13. **Designing Out Crime Officer (MET Police)**: No objections.

**Site and Surroundings**

14. The application concerns a three storey building located on a corner plot between Thames Street and Bishops Hall Road. The building comprises one large retail unit with sales area over two levels and the upper level containing storage and ancillary space (A1 use class). The retail unit is currently occupied by The Entertainer (a toy shop).

15. Number 11 Thames Street is Grade II listed and the site is situated within the Kingston upon Thames Old Town Conservation Area. The rear part of the Site comprises a large brick extension with a mansard roof form developed in the 1980s which extends along Bishops Hall Road. The land level of Bishops Hall falls heading west towards the rear of the site.

16. Customer access to the unit is via the shopfront serving 11 Thames Street. A private pedestrian alleyway runs along the southern edge of the Site. Service vehicles currently access and service the unit from
Bishops Hall Road via the dedicated loading area to the rear of the unit. The site has no dedicated parking available although there is some on street public parking nearby.

17. The site is located within the heart of the town centre within the defined Historic Core as set out in the Core Strategy. The character of the surrounding area is a mix of retail, residential, and commercial uses. The heights of the neighbouring buildings vary, with the majority of them being around 3-4 storeys, and others such as Charter Quay located to the south west of the site reaching 8 storeys. To the west of the site is the River Thames. The pedestrianised Thames Street and High Street, to the east of the site, leads south to the main pedestrianised retail core which centres on Market Square.

18. The Site is located in close vicinity of a number of notable buildings and heritage assets including the Grade II listed 1, 3 and 5 Thames Street located adjacent to the application site. Additionally, the Market Square features 7 Grade II Listed buildings located around the Market House building. There are also a number of other Grade II and Grade II* Listed buildings and features within a few hundred metres of the Site. Also of note is the Grade I listed All Saint Church (and grounds) which lie immediately to the East of the application site.

19. The Site is a short walking distance from Kingston railway station and is also served by a number of bus routes, and has a Public Transport Accessibility Level (PTAL) 6a (excellent). The site is located within an area of Archeological significance, is located within Flood Zone 2, and is designated as a Primary Shopping frontage in the K+20 Area Action Plan.

Proposal

20. The application proposes the partial demolition of 11-13 Thames Street and the erection of a five storey attached building with retail (Use Class A1) at ground floor level and 26 residential units/flats above (16 x 1 bed, 10 x 2 bed).

Assessment

The main considerations material to the determination of this application are:

- Principle of Proposed Development
- Impact on character and setting of Listed Building(s) and Conservation Area
- Quality and Mix of Proposed Accommodation
- Impact on Neighbour’s Residential Amenity
- Highways and Parking
- Trees
- Legal Agreements
- Sustainability
- Flooding
Affordable Housing
Archaeology

Principle of Proposed Development

21. Policy P13 (Bishops Palace House and 11-31 Thames Street) of the K+20 Area Action Plan (AAP) sets out the Council's aim to pursue comprehensive improvements to this area for a mix of retail, residential, offices and restaurants. The Policy states that the improvement should include enhanced access to the riverside, cycle parking and public realm enhancements.

22. Similarly, Policy K2 (Shopping Frontages and Use of Upper Floors above Shops) of the K+20 Area Action Plan (AAP) states that the Council will control the use of premises in shopping streets through the exercise of its planning powers to safeguard and enhance the vitality and viability of the town centre. It states that for primary frontages, proposals for a change of use, including through redevelopment, from retail (Class A1) to other uses at ground floor level will not be permitted. It goes on to state that planning permission will be granted for the change of use of upper floors above shops to residential, offices or other appropriate service or community uses.

23. The application proposes a mixed use development consisting of retail (use class A1) on the ground floor with residential above. The ground floor would remain as retail, and so no conflict with Policy K2 would arise, as the principle of residential accommodation above retail is stated as being acceptable under Policies P13 and K2. Additionally, the provision of residential units is encouraged by Paragraph 47 of the NPPF in addition to regional and local policies, and therefore weighs in favour of the proposal.

Impact on character and setting of Listed Building and Conservation area

24. Section 16, Section 66 and Section 72 of the Planning Listed Building and Conservation Areas Act 1990 directs that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings, their settings, and Conservation Areas. This direction is carried through into the Council’s Core Strategy.

25. The National Planning Policy Framework 2012 sets out National Planning Policy with regards to dealing with Heritage Assets. The NPPF directs that in decision taking the council should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

26. Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the Core Strategy seeks to preserve or enhance existing heritage assets.
27. Policy K11 (The Old Town Conservation Area) of the Kingston Town Centre AAP states that development proposals should preserve or enhance the character, appearance, setting and mediaeval layout of the Old Town Conservation Area, as well as its vibrancy and vitality.

28. The proposals include the demolition of the rear part of 11-13 Thames Street. It would retain the existing facades facing onto Thames Street with the erection of a five storey mixed use development behind. Number 11 Thames Street is a Grade II listed building. The Listing description of this building is as follows:

*Early to mid C19. 3 storeys, 3 bays wide. Modern shop on the ground floor. Upper floors are faced with grey brick with stucco dressings. Square headed sash windows with moulded architraves, the centre 1st floor window having also a frieze and console-bracketed pediment. Parapet with frieze and cornice."

29. Similarly, number 13, although not Listed, is noted as a 'positive contributor' in the Kingston Old Town Conservation Area Statement. The existing rear extension to numbers 11 and 13 is large and bulky, presenting a long and bleak (primarily brick) frontage along Bishops Hall Road to the North and the public footpath to the South. It represents a detracting feature of poor architectural or historic worth, and therefore there are no objections in principle to its removal.

30. The proposed development, would be stepped back behind the retained façades of 11-13 Thames Street. This would create a visual separation between the new building/extension and the Grade II listed building at number 11. This separation would delineate and separate the contemporary form/part of the development so as to ensure it does not compete with the Listed building, nor harm its setting.

31. The proposed extension would be slightly greater in height than the existing 'mansard' extension. Policy K9 (Design Quality in the Town Centre) states that development proposals should "safeguard the panorama" and key views, going on to state that "key views to landmarks and wider panoramas contribute variety and interest to Kingston's Townscape, acting as valuable parts of its built heritage and reinforcing its sense of place." Similarly, Policy K11 also states that development proposals should safeguard important views to, from and within the Kingston Old Town Conservation Area.

32. In relation to Policy K11, the applicant has imported the specifications of the proposed development into VU city, an interactive modelling software commissioned in partnership with the Council. This confirms that the proposed development would not be visible from the ancient marketplace within the Kingston Old Town Conservation Area.

33. In relation to the key views identified in Policy K9, concern has been raised that the proposal would interrupt/impact upon "view 2" as shown on Plan 6 of this policy, namely the view from Hampton Court to All Saints Church. VU city shows that the development would be visible from Hampton Court Palace but would not directly obstruct views of the.
34. The proposed development would be visible from the Home Park footpath on the western side of the Thames (within the Royal Borough of Richmond of Thames). However, whilst there would be some minor obstruction of the views to the All Saints Church, this would only occur at a limited and particular point, and as such, the proposed development is not considered to result in material harm to the setting of the Listed All Saints Church. It is noted that Historic England do not raise any objections to the proposal, and Kingston Town CAAC expressed its support. Additionally, the Council’s Conservation Architect concludes in her comments that the proposed development would not harm the significance of the heritage assets involved and could be a positive addition to the historic environment of the Kingston Old Town Conservation Area.

35. In relation to the density of the development, Policy 3.4 of the London Plan states that in Central Areas (those in or close to a Major/Metropolitan Town Centre) with PTAL ratings of 4-6, an appropriate density equates to 650-1100 hr/ha. The proposed development equates to a density of 968hr/ha, which lies within this threshold.

36. Taking the development as a whole, the proposed development would not harm the settings of 11 Thames Street or the All Saints Church. The form and design of the proposal would represent an improvement aesthetically and architecturally given the existing unsympathetic and detracting extension on the site. As such, it would preserve the character and appearance of the site and the Kingston Town Conservation Area, in compliance with adopted planning policies and guidance.

Quality and mix of proposed accommodation

37. Policy DM13 (Housing Quality and Mix) of the Core Strategy ensures that the housing being delivered is appropriate and high quality.

38. The application does not propose any 3 bed units. The applicant has put forward the following arguments/justification as to why no 3 bedroom plus units are proposed in this development:

- The proposed scheme is car free which is likely to limit the appeal to occupants of larger units;

- The central location of the Site within a busy area of the town centre, in addition to the lack of parking, make the scheme more attractive to smaller family units and working professionals;

- The provision of three bedrooms apartments would further negatively impact the financial appraisal for this scheme which
currently cannot justify any affordable housing;

- The limited opportunity to provide amenity spaces limits the opportunity for family sized units to be provided; and

- The servicing requirements for cycle and refuse storage would likely require further space with a higher portion of larger units, which would negatively affect the viability of this scheme.

39. Within the Mayoral SPD for Housing (2016) it states that:

"Town centre housing at higher densities close to public transport facilities is especially suitable for one and two person households, particularly singles, couples and sharers, students and older people. Conversely, a lower proportion of family sized homes may be appropriate in town centres, as opportunities for play and other amenity spaces tend to be more constrained in these locations."

40. This site is located within the core of a Metropolitan Town Centre, with the Maximum PTAL level possible (6). As such, given the advice laid out in the Mayoral SPD, a departure from this policy requirement is considered acceptable in this case.

41. In relation to the quality of the accommodation provided, Policy 3.5 of the London Plan (2016) sets out minimum Gross Internal Area (GIA) standards for new residential units. It states that for 1 bedroom (2 person) flats over one storey a minimum GIA of 50m² is required; for 2 bedroom (3 person) flats over one storey a minimum GIA of 61m² is required and for 2 bedroom (4 person) flats over one storey a minimum GIA of 70m² is required.

42. Policy DM10 of the Core Strategy states that development proposals should ensure adequate private and/or communal amenity space.

43. Policy Guidance 13 of the Residential Design SPD states that new houses (including conversions) should provide 50 sqm of private garden per family house (+ 5sqm per extra bedroom over three) where the prevailing character of the area allows. For flats, the guidance states 10sqm of private amenity space should be provided per dwelling and 1sqm per additional occupant.

44. In terms of Communal Amenity Space, Policy Guidance 14 of the Residential Design SPD sets out that following standards in addition to the private amenity space standards:

"50sqm per development plus where less than 10sqm private amenity space is provided per flat, the shortfall in provision should be added to communal amenity space"

45. Notwithstanding the above, it is noted that on page 65 of the Mayoral Housing SPD (2016) it states that the "Application of the standards in relation to Listed Building related development, some conversions and
development in conservation areas may require sensitivity and flexibility; in some circumstances it may be justified to not apply certain standards."

46. It is noted that some of the proposed units face towards Air Conditioning/Condensor Units attached to the flank wall of 7-9 Thames Street to the South. As such, a condition to mitigate against any excessive noise disturbance caused by these units is attached to preserve the amenities of the occupiers of these flats.

47. The proposed development, whilst not providing private or communal amenity space for some units, does provide this for the majority. Additionally, whilst some north facing 1 bedroom residential apartments are included, in general, given the physical constraints of the site, and its location, it is considered that the development provides satisfactory standards of accommodation for its intended occupants.

Impact on Neighbours’ Residential Amenity

48. Policy DM10 of the Core Strategy states that development proposals should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

Privacy

49. The application proposes the introduction of residential habitable room windows along the Northern, Western and Southern flanks of the building, in addition to small balcony terraces and larger roof terraces on the fifth floor. To the North of the building lies number 15 Thames Street. This property comprises an A1 use on the Ground floor with residential flats on the first and second floors. The northern facing flank windows serving bedroom/living areas of flats 1.06 and 1.07 (on the first floor) and flats 2.06 and 2.07 would therefore look towards the windows serving the flats at number 15 Thames Street at a distance of around 7.5/8m. Whilst there would therefore be some minor loss of privacy, given this separation would by via a public highway in a busy town centre location, it is considered that the harm to the residential amenities of number 15 would be minimal. To the west of the proposed development lies the Riverside commercial development and Bishops Public House. These developments are all commercial in nature, and therefore the development would not result in loss of privacy to any residential occupiers in these areas.

50. Concerns have also been raised by residents of Steven’s house about loss of light and privacy. However, the 'affected' windows and balconies face northwards towards the proposed development (and therefore due to their orientation do not receive direct sunlight). It is also noted that these windows and balconies would be sited around 35m away from the proposed development. This distance is significant and exceeds the 21m distance recommended in Policy Guidance 16 (Separation Distances) of the SPD for Residential Design.
51. To the South, there is one window serving 3-5 Thames Street which faces towards the development. This is in close proximity (around 6m away from the proposed development). However, this functions as a store room for (currently vacant) offices, and as such, no harm to residential amenity would arise. It is noted that permission to convert these offices into residential has been granted but not yet implemented. Regard has been given to the relationship if this permission were implemented. Whilst some mutual overlooking between developments would result if this occurred, no direct views between habitable room windows would result.

52. As such, given the above, no conflict with Policy DM10 (or the Residential Design SPD) is identified.

**Sunlight/Daylight**

53. The proposed development would result in an increase in (max) height of around 5m when compared with the existing building. However, the bulk of this would occur at the Western end of the building, which itself would be separated from neighbouring buildings by public highways/footways (and the remainder of the service area). As such, it would not lie in close proximity to any residential habitable room windows (Stevens House lies around 35m away), and therefore would not conflict with British Research Establishment Guidelines as set out in Policy Guidance 32 of the SPD for residential Design.

54. In general, it is considered that the development would not therefore harm the amenities of neighbouring residents in terms of light, outlook or privacy.

**Highways & Parking**

55. Policy DM 9 (Managing Vehicle Use for New Development) of the Core Strategy seeks to prevent new development from contributing to congestion or compromising highway safety. New development must comply with car parking standards and implement car parking management schemes. The Council will also seek to restrict eligibility for on-street parking permits for residents of new development located in controlled parking zones.

56. The application does not propose any parking spaces for the proposed residential units. However, given the maximum PTAL rating of the site (6), and the fact that it is located within, and surrounded by, numerous Controlled Parking Zones, it is eligible to be car free. The applicant has agreed to enter a car capping legal agreement to secure this. Subject to this, no harm would be caused in terms of parking pressure or highway safety.

57. Whilst currently there are no cycle spaces provided for the retail element, the applicant has stated that this provision would be left for the retail occupier to provide due to the internal configuration not being finalised.
In addition as this is a town centre development and the retail element will be predominantly used by shoppers on foot the existing town centre nearby provision should be considered adequate and therefore in line with Policy DM6.

58. Additionally, secure covered cycle parking for 32 bicycles would be provided for the residential units. However, this is below the London Plan standards (which would require 40 spaces). As this is a ‘car-free’ development it is considered that these standards should be met and that these spaces should be provided, and as such, this provision will be secured via condition.

59. It is noted that the Neighbourhood Traffic Engineer did not raise any objections to any other aspect of the proposed development. As such, subject to the attached conditions and the completion of a car-capping agreement, no conflict with adopted planning policies would arise.

Trees

60. Policy DM10 states that the Council will expect new development to ensure that trees that are important to the character of the area or covered by Tree Preservation Orders are not adversely affected. There are no trees or landscaping features on the application site, and as such, no conflict with policy DM10 would occur.

Legal Agreements

61. As indicated in the Highways and Parking section of this report, the applicant has confirmed that they will sign a Unilateral Undertaking to 'car cap' the proposed development so that future residents cannot obtain parking permits.

Sustainability

62. Policy 5.2 of the London Plan requires that development proposals should minimise Carbon Dioxide emissions in line with the Mayor’s energy hierarchy. Policy 5.13 also states that developments should incorporate sustainable urban drainage systems where possible in line with the Mayor’s drainage hierarchy. Within the submitted Planning Statement it is stated that the applicant is happy to comply with these measures, and further details can be secured via planning condition.

Flooding

63. Policy DM4 (Water Management and Flood Risk) of the Core Strategy states that the Council requires a Flood Risk Assessment for all new development in Flood Zone 2 (which the site is located within). It should address all sources of flooding, the future impact of climate change and take into account the findings of the Strategic Flood Risk Assessment (2007), national guidance and good practice guidance.
64. The applicant has submitted a flood risk assessment with the application. This concludes that the development would comply with the requirements of the NPPF subject to the following:

- Finished floor levels being set no lower than existing
- A flood evacuation plan being developed in consultation with the Council.

65. The Environment Agency has reviewed this and concludes that the development (and its floor levels) are acceptable, but recommends evacuation measures for the proposed development. A condition requiring a flood evacuation plan is therefore recommended (and attached to this report).

**Affordable Housing**

66. Policy 3.11 of the London Plan states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision. Policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes.

67. Policy CS10 states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. The proposal does not include any provision of affordable housing.

68. Policy DM15 requires 50% of the units to be provided as affordable housing with a 70% social/affordable rent and 30% shared ownership split. Proposals departing from these requirements will be expected to justify any lower or non provision through the submission of a financial appraisal. Policy 3.12 of the London Plan states that "Boroughs should evaluate these appraisals rigorously" (pg 99).

69. In this case, the applicant has submitted a financial appraisal which indicates that it is not viable to provide any on-site affordable housing, nor any financial contributions towards affordable housing provision. This has been independently assessed on behalf of the Council. As such, Policy DM15 has been satisfied.

**Archaeology**

70. The site lies within an area of archaeological significance. Notwithstanding this, the development would be situated in the same position as the large existing rear addition/extension, and so it is considered unlikely that the proposed works and foundations would reveal any archaeological remains. Historic England (GLAAS) have been notified and raise no objections subject to the submission of an archaeological evaluation, which can be secured via (the attached) planning condition
Conclusion/Planning Balance

71. Taking all the above into consideration, whilst a couple of the proposed units would not be of the highest standard of accommodation, and whilst there would be some minor loss of privacy to some of the immediate occupiers (through mutual overlooking), this would be outweighed by the benefits of the provision of 26 additional residential units (encouraged by Paragraph 47 of the NPPF) and a new active retail frontage and improved public realm along Bishops Hall Road. As such, the development is considered acceptable and is recommended for approval.

Recommendation:

Approve subject to the receipt of a signed car capping legal agreement AND the following conditions:

1. The development hereby permitted shall be commenced within 3 years from the date of this decision.
   Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   16073-P-0225 Demolition Plans 30/01/2017
   C+W Design & Access Statement 30/01/2017
   Flood Risk Assessment v1.1 Part 2 30/01/2017
   Flood Risk Assessment v1.1 Part 3 30/01/2017
   Flood Risk Assessment v1.1 Part 4 30/01/2017
   Heritage Statement 30/01/2017
   Planning Statement 30/01/2017
   16073-P-0210 Existing Ground and First Floor Plans 30/01/2017
   16073-P-0211 Existing Second Floor and Roof Plan 30/01/2017
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   16073-0230-A Elevation 1 (North) 03/10/2017
   16073-0232-A Elevation 3 (East and West) 03/10/2017
   16073-P-0245-A Proposed Elevation Details 03/10/2017
   16073-P-0220-A Ground and First Floor Plans 21/11/2017
   16073-P-0221-A Second and Third Floor Plans 21/11/2017
   16073-P-0222-B Fourth Floor and Roof Plans 21/11/2017
Before any works commence on-site, the following details shall be submitted to and agreed in writing by the local planning authority:

(a) Details comprising annotated drawings, specifications, references/photographs and samples (where applicable) of all external bricks, stone cladding, shopfront features (e.g., pilasters, glazing bars/frames) and materials, mortar mix and colour, window glass, door and window frames, balconies and balustrades, railings, signs/building names, rainwater pipes/guttering and ground level paving.

(b) Elevation drawings, plans, roof plans, and sections at 1:10/1:20 scale of all the buildings' key junctions/intersections which details of any facade projections and/or recesses/reveals.

(c) Details of the proposed fenestration and/or any other decorative features along the Southern elevation of the proposed development.

The building shall then be constructed in accordance with these agreed details and shall thereafter be retained as such.

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset, as they are required in order to preserve or enhance the setting of the Listed Building in accordance with Policy CS8 (Character, Heritage and Design) and Policy DM 12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

The development hereby permitted shall not be occupied until details of secure cycle parking facilities for a minimum of 40 bicycles for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory cycle storage facilities and in the interests of highway safety in accordance with Policy DM8 (Sustainable Transport for New Developments) of the LDF Core Strategy Adopted April 2012.

Within 3 months of first occupation, evidence must be submitted to the council confirming that the development hereby approved has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 35% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/ day must be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that these targets are not feasible.
Reason: In the interests of sustainability and energy conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (July 2011) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

6. No development shall commence on site until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme and a report on that evaluation has been submitted to and approved in writing by the Local Planning Authority. If heritage assets of archaeological interest are identified then a programme of archaeological investigation in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The approved archaeological investigation shall be undertaken prior to development commencing on site.

Reason: To secure a recording of heritage assets in accordance with Section 12 of the National Planning Policy Framework. These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase.

7. Prior to the occupation of the residential units hereby permitted, a Flood Preparation and Evacuation Plan shall be drawn up and circulated to all residents of the development on an annual basis, which references current government emergency flood advice (https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather).

Reason: To mitigate against possible harm from flooding events in line with Policy DM4 (Water management and Flood Risk) of the Local Development Framework Core Strategy (2012).

8. The development hereby permitted shall not be occupied until a public realm improvement plan for Thames Street including improvements to the rear service area has been submitted to and approved in writing by the Local Planning Authority. These approved measures shall include a lighting scheme and resurfacing works and shall be implemented prior to the occupation of the approved development and therefore maintained for its lifetime.

Reason: To preserve/enhance the character and appearance of the Conservation Area in compliance with Policies DM12 and DM13 of the LDF Core Strategy Adopted April 2012.

9. Prior to the occupation of approved flats 1.05 and 2.05, an acoustic mitigation/management plan to secure an acceptable ambient environment for these units shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation/management measures
set out in this acoustic mitigation/management shall be implemented prior to the beneficial occupation of these units and thereafter retained/maintained for the lifetime of the development.

Reason: So that the development provides satisfactory standards of accommodation for its occupants in compliance with Policy DM13 (Housing Quality and Mix) of the LDF Core Strategy Adopted April 2012.

10 No fans, louvres, ducts, plant or external lighting other than that shown on the drawings hereby approved shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties and to preserve/enhance the character and appearance of the Conservation Area in compliance with Policies DM12 and DM13 of the LDF Core Strategy Adopted April 2012.

11 Refuse storage facilities and recycling facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, such facilities to be permanently retained at the site.

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

12 The ground floor retail unit shall retain an active ground floor window frontage to Bishops Hall Road without the installation of window vinyls, graphics, shuttering or any other form of design that prevents views into and out of the shop, in accordance with a scheme that shall have been agreed in writing with the Local Planning Authority ahead of the first occupation of the retail unit. The retail unit's fenestration shall be retained as agreed.

Reason: To ensure the vitality and viability of the Primary Shopping Area/Town Centre in compliance with Policy DM19 (Protecting Existing Retail Uses) of the 2012 Local Development Framework Core Strategy.

13 Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations.
Reason: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction.

14  
(a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.  
(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.  
(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In the interests of highway safety in accordance with Policy DM8 (Sustainable Transport for New Developments) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

15  
Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) the ground floor retail unit hereby approved shall only operate within the A1 Planning Use Class.

Reason: To ensure the vitality and viability of the Primary Shopping Area/Town Centre in compliance with Policy DM19 (Protecting Existing Retail Uses) of the 2012 Local Development Framework Core Strategy.

Informative(s)

1  
In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form or our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2  
The development approved by this planning permission will be liable to pay the Mayor of London's Community Infrastructure Levy (MCIL) and Kingston's Community Infrastructure Levy (KCIL). Payment will be due once the owner/developer serves a development
Commencement Notice on the Council, and a payment Demand Notice has been received by the owner. Failure to submit a Commencement Notice will incur a surcharge of 20% of the chargeable amount or £2,500, whichever is the lower amount.

When you have discharged all pre-commencement conditions the Council will issue a Liability Notice to the owner setting out the MCIL calculation. Accompanying the Liability Notice will be a blank Commencement Notice and if necessary a blank Assumption of Liability form, both of which need to be completed and returned to the Council prior to development commencing. A failure to do so will incur a surcharge.

Should you have any questions in respect of the contents of this letter or the MCIL more generally, please contact the Council's Contact Centre by email mcil@rbk.kingston.gov.uk or phone 0208 547 5002.

3 The applicant is advised to follow the advice below from the Designing Out Crime officer to improve the security and safety of the proposed development:

- The residential communal entrance doors should be video access controlled security standard approved door sets, tested with the appropriate locking mechanisms in situ.
- The apartment entrance should be redesigned to incorporate an airlock with a secondary access controlled doorset to prevent tailgating and so restrict unauthorised access by those with possible criminal intent.
- Mail delivery should be located at the communal primary entrance point of the building and not delivered to each unit.
- A zoned encrypted fob controlled system should be installed to control access throughout the building, allowing residents access to specific designated areas only.
- There should be no ease of access from the recycle/waste room via the plant room and cycle store into the residential core.
- The locking system of the cycle store must be operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.
- The cycle store should incorporate stands which enable cyclists to lock both wheels and the crossbar to a stand rather than just the crossbar.

4 With regard to surface water drainage, you are advised that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point
where it leaves Thames Waters pipes. The applicant should take account of this minimum pressure in the design of the proposed development.